RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT

GOVERNANCE MANUAL

DRAFT Proposed Amendments November 1, 2024

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1	Riley-Purgatory-Bluff Creek Watershed District
2	Governance Manual – Introduction
3	
4	The Riley-Purgatory-Bluff Creek Watershed District (District) is a special purpose unit of
5	government established under Minnesota Statutes chapters 103B and 103D. The District, is
6	governed by a five-member board of managers, four of whom are appointed to staggered
7	terms by the Hennepin County Board of Commissioners and one by the Carver County
8	Board of Commissioners. In 2012, the District hired an administrator to oversee and direct
9	day-to-day activities and to carry out the Water Management Plan.
10	This Riley-Purgatory-Bluff Creek Watershed District Governance Manual was adopted
11 12	by the Board on July 2, 2014, amended February 4, 2015, amended on October 14, 2020,
13	and again amended on [DATE]. The manual establishes written policies, procedures and
14	instructions for the management of District activities and accounts, recordkeeping and
15	records management, and allocation of duties among District staff and contractors. The
16	manual will also help to ensure that: similar transactions are treated consistently; that
17	accounting principles used are appropriate and proper; and that records and reports are
18	produced in forms desired by the managers and state review entities, including: the
19	Legislature, the Office of the State Auditor; and the Board of Water and Soil Resources.
20	
21	The manual consists of this document, along with the following policies and protocols
22	adopted by the District:
23	General Governance Policies.
24	• Bylaws, including the District Conflict of Interest Policy and fulfilling the
25	requirement of Minnesota Statutes section 103D.315, subdivision 11.
26	• Policies and Procedures for Public Access to Documents fulfills requirements
27	of the state Data Practices Act applicable to the District. The following auxiliary
28	documents fulfill specific requirements of the Data Practices Act, as noted:
29	• Security of Not-Public Data and procedures to ensure accuracy and
30	security of data on individuals and to notify data subjects of their rights
31	under the DPA, along with the accompanying Inventory of Not-Public
32	Data on Individuals.
33	• Procedures to ensure accuracy and security of data on individuals (Minn. Stat. § 12.05, subd. 5) and to notify data subjects of their rights under the
34 25	Stat. § 13.05, subd. 5) and to notify data subjects of their rights under the DPA (Minn. Stat. § 13.025, subd. 3).
35 36	
30 37	• Tennessen notices and consent forms, created when needed and tailored for specific circumstances where private or confidential data is collected
38	from individuals, such as new employees, or distributed (Minn. Stat. §
39	13.04, subd. 2). (The manual includes the District's basic templates.)
	 Records Retention Schedule allows the District to efficiently manage and,
40 41	• Records Retention Schedule anows the District to enclently manage and, when appropriate, archive its files, and fulfills the requirement of Minn. Stat.
41 42	§138.17, subdivision 7, as well and the Data Practices Act requirement that the
43	District maintain a list of private and confidential data on individuals maintained

44	by the District (Minn. Stat. §13.05, subdivision 1). The schedule also includes
44 45	indication of whether the District stores information electronically or in hard
45 46	copy form, in compliance with the Uniform Electronic Transactions Act,
40 47	Minnesota Statutes section 325L.17.
48	 Policy for Management of Permit Fees, Financial Assurances and
49	Abandoned Property provides protocols to manage assurances collected by the
50	District from permittees and ensures that funds submitted are managed in
51	accordance with the state unclaimed property law (chapter 345 generally and
52	section 345.38 specifically), accompanied by an:
53	• Escrow agreement template, for escrow of funds submitted by permittees
54	in fulfillment of the financial performance-assurance requirements in the
55	District rules.
56	• Public Purposes Expenditures Policy includes protocols and requirements to
57	ensure that the District complies with the requirement in the state constitution
58	(Article X, section 1) that expenditures by government bodies must serve a
59	public purpose;
60	• Fund Balance Policy adopted to bring District fund-classification and -naming
61	practices into compliance with general accounting standards.
0 ±	provinces mus comprimites with general accounting summaries.
62	 Internal Controls and Procedures for Financial Management provides terms
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82		Riley-Purgatory-Bluff Creek Watershed District				
83	General Governance Policies					
84						
85						
86	The following general governance policies help ensure sound administration of District					
87 88		ess and continued focus of District resources on protection and improvement of the resources in the Riley-Purgatory-Bluff Creek watershed.				
89						
90	I.	Contracting				
91		a. All contracts shall be authorized by the Board of Managers, and shall be				
92		reviewed by the District's legal counsel prior to submission to the Board of				
93		Managers for consideration, unless the contract conforms to the template(s)				
94		prepared by the District's legal counsel.				
95		b. All amendments to any approved contract shall be authorized by the Board of				
96		Managers, except that the Board of Managers delegates to the administrator				
97		the authority to approve work-change directives and change orders for				
98		District projects that will result in an aggregate increase of the cost of a				
99		project by no more than the lesser of (i) \$10,000 or (ii) twenty percent (20%)				
100		of the original contract amount.				
101		c. The administrator may require a District contractor to secure additional or				
102		replacement payment and/or performance bonds to cover any increased price				
103		of a District project resulting from a change order approved by the administrator.				
104 105		d. A change order approved by the administrator will be presented to the Board of				
105		Managers at its next meeting.				
100		e. All contracts with the District shall provide that the District shall have not less				
108		than 45 days from receipt of an invoice for payment, without interest or				
109		penalty.				
110	II.	Per diems				
111		a. Managers may receive a per diem for participation in a meeting of the Board of				
112		Managers, continued session of a Board meeting, Board committee meeting,				
113		approved meeting and training, approved annual presentation on District				
114		activities to any city or county in the District, and for other necessary duties.				
115		An activity must be authorized or requested by the Board of Managers or				
116		requested by the administrator to be considered a necessary duty for purposes				
117		of this policy.				
118		b. A manager may receive one per diem for preparation for each meeting of the				
119		Board of Managers attended by the manager. No per diem shall be provided				
120		for preparation to attend a Board workshop, preparation for a committee meeting, or to prepare for a continued meeting of the Board of Managers.				
121 122		c. A manager may receive one per diem for attendance at each day of the annual				
122		meeting of Minnesota Watersheds(MW), the MW legislative conference, the				
123		MW summer tour, and a meeting of the Metro chapter of MW.				
		in the building total, and a mooting of the motio on up of of motion.				

125		d.	Managers will prepare claim forms for per diem and expenses in duplicate. The
126			original will be submitted to the treasurer to be processed and approved in
127			the same manner as other claims against the District. Claims for per diems
128			expenses should be submitted quarterly, and under any circumstances all
129			claims for expenses in any given year must be submitted prior to January 15
130			of the following year. The manager will retain a copy for his or her personal
131			records. The District will issue a Form W-2 Wage and Tax Statement for per
132			diems paid to a manager.
133		e.	A manager may receive only one per diem per day of service to the District.
134		f.	The per diem rate shall be the maximum rate specified in Minn. Stat. §
135			103D.315, subdivision 8.
136		g.	No manager shall be paid a per diem for the attendance at or conduct of any
137			activity for which the manager is entitled to compensation from any other
138			person or entity.
139	III.	Re	ecords management and retention
140		a.	The District will make and preserve all records necessary to ensure the
141			availability of a full and accurate accounting of the District's official
142			activities, including all proceedings, minutes, certificates, contracts, bonds of
143			the board's employees, and all other business transacted or action taken by
144			the managers, in fulfillment of Minn. Stat. §§ 15.17, subdivision 1,
145			103D.315, subdivision 5, and 138.17.
146		b.	The District will adopt and maintain a records retention schedule, to be approved
147			by the State Archives Office, governing the retention and/or disposal of
148			records created by the District, a copy of which is included in this
149			Governance Manual.
150		c.	In keeping with the direction of the Uniform Electronic Transactions Act, the
151			District has determined that it will create and retain its records in electronic
152			form to the greatest extent possible. The District's records retention schedule
153			includes indication of records that may be retained in hard copy form, but
154			District policy is to retain all records in electronic form. This policy is
155			prospective as of November 2012, and the District does not intend to convert
156			historic records from hard copy to electronic form.
157		d.	The administrator is the responsible authority for purposes of District
158			compliance with the Data Practices Act, Minnesota Statutes chapter 13. Each
159			year, the administrator shall provide to the Board of Managers a report
160			documenting compliance with the Data Practices Act.
161		e.	The administrator is the data practices compliance official for purposes of
162			District compliance with the Data Practices Act.
163		f.	The District shall maintain a website and shall endeavor to make as many of its
164			records available through the District's website as practicable, including but
165			not limited to:
166			i. A calendar for each calendar year of District events, including known
167			events scheduled to occur during the next twelve (12) months, which
168			schedule is subject to change;

169		ii. The agenda and meeting packet of information provided to the managers			
170		prior to and at a meeting of the managers;			
171		iii. The officially approved minutes of meetings of the Board of Managers;			
172		iv. The District's annual reports, including annual financial statements, and			
173		annual communications;			
174		v. The District's permitting rules;			
175		vi. The Governance Manual, including all attachments;			
176		vii. The District's approved annual budgets;			
177		viii. Pertinent information concerning the District's Governance Committee,			
178		Personnel Committee, Citizens Advisory Committee, Technical			
179		Advisory Committee and such other committees of the District in			
180		existence from time to time;			
181		g. The District shall maintain a database of:			
182		i. Permit applications and permits issued;			
183		ii. Cost share applications, approved cost share grants, and related staff			
184		reports or compilations;			
185	IV.	Delegated authority			
186		a. No employee of the District may exercise authority beyond that which is			
187		allocated to the administrator by the District bylaws, policies, and resolutions			
188		duly adopted by the Board of Managers.			
189		b. Authority delegated to the administrator may not be delegated to other			
190		employees or contractors of the District.			
191		c. Duties assigned to the administrator may be delegated to other employees or			
192		contractors by the administrator, however the administrator will remain			
193		responsible to the Board of Managers for the proper execution of all			
194		delegated duties.			
195		d. All consultants to the District work under the direction of the administrator,			
196		except for auditors and legal counsel. The auditor's and legal counsel's			
197		primary responsibility is to the Board of Managers.			
198		e. Except as otherwise specifically provided for herein, the administrator may not			
199		commit funds of the District without the approval of the Board of Managers.			
200	V.	Managers' authority			
201		a. The Board President is authorized to speak on behalf of the District. No			
202		other manager may speak on behalf of the District unless authorized to do so			
203		by the Board of Managers. This provision does not prevent any manager			
204		from giving his or her opinion on any matter as long as he/she makes clear			
205		he/she does not speak for the District or the Board of Managers. Managers			
206		are encouraged to withhold individual opinions on a subject pertaining to the			
207		District until the next regularly scheduled meeting of the Board of Managers			
208		or a special meeting on such matter, if sooner.			
209		b. No individual manager may provide direction, instructions or authorization			
210		to the administrator unless specifically authorized to do so by the Board of			
211		Managers.			

212 213	c.	A manager's request for information that would require more than 15 minutes of the administrator's time must be approved by the board of
214		managers. Cumulative requests that require more than 30 minutes of the
215		administrator's time in one calendar month must be approved by the Board
216		of Managers.
217	d.	A manager's request for information in the possession of the District,
218		including information from consultants to the District, other than auditors or
219		legal counsel, shall be directed through the administrator. Manager requests
220		for information to auditors and legal counsel may be directed to the auditor
221		and legal counsel. Except in the case of allegations of wrongdoing, auditors
222		and legal counsel shall inform the administrator of such requests for
223		information.
224	e.	Individual managers cannot bind the District to agreements or expenditures
225		unless specifically authorized to do so by the Board of Managers. An
226		agreement shall be binding on the District only if such agreement has been
227		signed on behalf of the District by a person authorized to do so pursuant to
228		action by the Board of Managers.
229		

230					
231	Schedule of Regular Activities				
232	The District will observe the following schedule of required activities to ensure continued				
233	compliance with laws and regulations:				
234	• The District conducts its annual business meeting in January. At that meeting				
235	the Board of Managers shall:				
236	• Approve a schedule of regular meetings of the Board of Managers and				
237	Citizens Advisory Committee for the ensuing year.				
238	 Review insurance needs and current coverage. 				
239	• If an odd-numbered year, authorize the solicitation of engineering, legal,				
240	auditing, accounting and other professional services proposals, per				
241	Minnesota Statutes §103B.227, subdivision 5.				
242	• Designate:				
243	 one or more depositories for the District's funds, 				
244	 a depository for cash escrows received as security from 				
245	permittees,				
246	 a repository for permit assurance bonds, and letters of credit 				
247	received as security from permittees, and				
248	 one or more official newspapers for publication of District 				
249	notices.				
250	• Appoint:				
251	 individuals to serve on the District's Citizens Advisory 				
252	Committee, in compliance with Minn. Stat. §103D.331, and				
253	 individuals to serve on the District's technical advisory committee 				
254	in compliance with Minn. Stat. §103D.337.				
255	• Appoint managers to serve on standing committees of the Board of				
256	Managers.				
257	• Review the District's fee and permit security schedules and authorize				
258	such revisions as the Board of Managers deems appropriate.				
259	• Review and, as necessary, direct the preparation of updates to its				
260	Governance Manual.				
261	• Elect from among its members the following officers: president, vice				
262	president, secretary and treasurer.				
263	• The District shall annually publish a newsletter or other watershed-wide				
264	communication that explains the District's programs, lists the members of the				
265	Board of Managers and notes District contact information, pursuant to Minnesota				
266	Statutes §103B.227, subdivision 4. The District will maintain this information on its website as well.				
267					
268	• During the first fiscal quarter, the District shall engage a duly qualified audit				
269	firm to audit the District's books and accounts as required by Minn. Stat.				
270	§103D.355, subd. 1.				
271	• The District annually submits to the Board of Water and Soil Resources a				
272	financial, activity and audit report each year by May 1 (within 120 days of the				
273	end of the District's fiscal year), per Minn. Stat. §103B.231, subdivision 14, and				

0.5.4	Minnerste Delles 9410.0150 melles et 1 and enlarity is to the Office of the State
274	Minnesota Rules 8410.0150, subpart 1, and submits to the Office of the State
275	Auditor an audit report by May 1 each year (within 120 days of the end of the
276	District fiscal year), per Minnesota Rules 8410.0150, subpart 1.
277 •	Each February, the District administrator shall prepare and submit to the Board
278	of Managers an end-of-year report on the financial performance of the District
279	for the preceding year as compared to the budget.
280 •	The District administrator annually prepares, in July, a report to the board on the
281	status of fund balances in relation to the Fund Balance Policy.
282 •	Each July, the administrator, as the Data Practices Act responsible authority,
283	shall review the District's DPA policy and associated protocols to ensure
284	compliance with Minn. Stat. §13.05, subd. 1 and shall deliver such report to the
285	Board at its August meeting.
286 •	Each July, the administrator shall assess whether the District has abandoned
287	property and returns abandoned property, if any, in accordance with the schedule
288	in the Policy for Management of Permit Fees, Permit Securities and Abandoned
289	Property included as Appendix [] hereto and shall submit such reports to the
290	Board at is August meeting.
291 •	Each June, the administrator shall prepare a proposed budget for the following
292	calendar year with the intent to present it at the July meeting, and in no case later
293	than the August meeting, of the Board in a form consistent with statute and as
294	directed by the Board.
295 •	At the July meeting of the Board, the Board shall set the tentative amount of ad
296	valorum real estate taxes to be levied for the purposes of providing funds to
297	cover the preliminary budget approved by the Board at such meeting and the
298	Board shall order a public hearing on such preliminary budget and levy at its
299	August meeting.
300 •	On or before September 15 of each year, the Board shall hold a duly noticed
301	public hearing on the preliminary budget and the proposed levy.
302 •	On or before September 15 of each year, following the public hearing, the Board
303	shall adopt a budget for the next calendar year and after adoption of the budget,
304	the Board shall adopt and certify to the auditors of Carver and Hennepin
305	Counties the total amount of funding necessary to be raised from ad valorem tax
306	levies to meet the budget.
307 •	Each November, the administrator shall arrange for the review of and report on
308	the District's information technology systems by a reputable information
309	technology consultant and shall provide such report to the Board for review at
310	the Board's December meeting along with any recommend changes. Such report
311	shall include but not be limited to a review and report on the security of the
312	District's information technology systems as well as any recommendations for
313	the improvement of the District's information technology systems.
314 •	Each October, staff shall solicit candidates for appointment to the Citizens
315	Advisory Committee for the following calendar year for the Board's
316	consideration at its December meeting.

Each December, pursuant to the Truth in Taxation law, the Board shall hold a 317 • further public informational meeting on its budget and levy at which the public is 318 allowed to speak; the Board may, but need not take any action to alter the budget 319 and levy adopted in September; it may decrease, but may not increase the 320 amount of the levy adopted in September prior to finalization by the county 321 auditors at the end of December. 322 Each December, the administrator shall review the District's disaster 323 • preparedness plan (including provisions regarding pandemics) and provide a 324

its review at the Board's January meeting.

summary of such review along with any recommended changes to the Board for

- 325 326
- 327

328			
329		Riley-Purgatory-Bluff Creek Watershed District	
330		Bylaws	
331			
332 333 334	Distri	vlaws establish governing rules for the Riley-Purgatory-Bluff Creek Watershe District) Board of Managers (Board), in compliance with Minn. Stat. §103D. on 11. ¹	
335 336 337 338	I.	Office . The District will maintain its principal place of business and its official ecords at an office located within the watershed, presently 18681 Lake Drive Chanhassen MN 55346. The Board may change the location of its principal plusiness in accordance with Minn. Stat. §103D.321, subdivision 2.	East,
339 340 341 342	II.	board of Managers . The Board consists of four managers appointed by the ommissioners of Hennepin County and one manager appointed by the ommissioners of Carver County. Managers serve staggered three-year terms. nanager serves until his or her replacement is appointed.	A
343 344 345		. <i>Vacancy</i> . A manager who is unable to fulfill his or her term will notify her county board of commissioners to allow the commissioners to appore replacement in a timely manner.	
346 347 348 349 350		. <i>Compensation.</i> The managers shall be compensated for attending mee and performing other duties necessary to properly manage the District reimburse managers for expenses incurred in performing official duties Compensation will be at the rate established by Minn. Stat. §103D.315 subdivision 8, unless a lower rate is established by the Board.	and S.
351 352 353		<i>Bonding.</i> Before a manager assumes his or her duties, the District, at the District's expense, will obtain and file a bond for the manager in accord with Minn. Stat. §103D.315, subdivision 2.	
354 355 356 357		. <i>Insurance</i> . The District will provide insurance for the managers insurir managers against liability arising out of or in connection with their actimanagers of the District and the operation of the District on such terms in such amounts as the Board determines.	ions as
358 359 360 361		Attendance. Managers are expected to attend meetings of the Board. A Board's discretion, a manager's failure to attend three consecutive regumentings of the District may be reported to that manager's county boar commissioners.	ılar
362 363	III.	Officers . The Board annually, at its January meeting, will elect from among it nembers the following officers: president, vice president, secretary and treasu	

All references in these bylaws to statutes are to the section or sections as they may be amended.

364 365 366 367 368 369	any officer resigns or cannot complete his or her term of office, the Board shall promptly elect from among its members an individual to complete the unexpired term. An officer's term as officer continues until a successor is elected or the officer resigns. The Board, by action at an official meeting, may appoint a manager as an officer <i>pro tem</i> in the event an officer is absent or unable to act, and action by that officer is required.		
370	a. Presi	dent. The president shall:	
371	i.	preside at all meetings as chair of the Board.	
372 373 374	ii.	sign and deliver in the name of the District contracts, deeds, correspondence or other instruments pertaining to the business of the District which have been approved by the Board;	
375	iii.	be a signatory to the District accounts;	
376 377 378	iv.	be a signatory to District documents if the treasurer or secretary is absent or disabled, to the same extent as the treasurer or secretary; and	
379 380 381	v.	meet with CAC chair and the administrator in accordance with the Board of Managers- Citizens Advisory Committee Communications Process attached as Appendix [].	
382	b. Vice	President. The vice president shall:	
383	i.	preside at meetings as chair in the absence of the president;	
384	ii.	be a signatory to the District accounts;	
385 386	iii.	be a signatory to District instruments and accounts if the president is absent or unable, to the same extent as the president.	
387	c. Secre	tary. The secretary shall:	
388 389	i.	be a signatory to resolutions and other documents certifying and memorializing the proceedings of the District;	
390	11.	be a signatory on all of the District financial accounts;	
391	iii.	work with the administrator to maintain the records of the District;	
392 393 394	iv.	work with the administrator to issue the required public and Board notice of all meetings in accordance with Minnesota Statutes chapter 13D and other applicable laws;	
395 396 397	V.	work with the administrator to ensure that draft minutes of all Board meetings are prepared and made available to the Board in a timely manner and maintain a file of all approved minutes;	
398 399 400	vi.	work with the administrator to keep a record book in which is noted the approved minutes of proceedings at all meetings, including the votes of the members of the Board of Managers;	

401 402 403 404 405 406 407 408 409 410	vii.	work with the administrator to assure that at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the Board or its employes and distributed at the meeting to all Board members, distributed before the meeting to all Board members, or available in the meeting room to all members shall be available in the meeting room for inspection by the public while the governing body considers their subject matter; provided that this requirement does not apply to materials classified by law as other than public, or to materials relating to the agenda items of a closed meeting as provided by law;
411 412	viii.	work with the administrator to cause an audio recording to be made of each meeting closed to the public as required by law;
413 414 415	ix.	work with the administrator to prepare and maintain a Governance Manual which shall include these Bylaws and the policies and procedures adopted by the Board.
416	d. Treas	surer. The treasurer shall:
417	i.	be a signatory to the District accounts and financial records;
418 419 420	ii.	present a report at the monthly meeting of the Board that includes a current check register and tracks each of the watershed district's funds and account balances;
421 422	iii.	provide such other records as are necessary to inform the Board of the financial condition of the District.
 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 	majority vote (e.g. Governa special committee w the committee matters refer recommenda directed on th direction, ins authorized to committee m filed and reco a subsequent a. <i>Gove</i> of the from review	All standing and special committees of the Board will be appointed by e of the managers. Membership on standing committees of the Board ance, Personnel) will be determined in January of each year. Other nittees may include persons who are not managers, but no member of a ho is not a manager may offer a motion or vote on a matter put before e. It is the duty of a committee to act promptly and faithfully in all red to it and to prepare minutes of any votes taken by the committee on tions to the Board of Managers, and otherwise to make reports as he date established by the chair or Board. No committee may provide structions or authorization to the administrator unless specifically o do so by the Board of Managers. A complete and accurate copy of sinutes of votes and written reports will be made by the secretary and orded in the records of the District and shall be presented to the Board at Board meeting. <i>rnance Committee</i> . The Governance Committee is a standing committee e Board of Managers and shall consist of two managers, with support the administrator and the District's legal counsel. The committee shall w annually the Governance Manual, and make recommendations for tons to the Board of Managers. All meetings of the committee shall be

- noticed and open to the public as required by the Open Meeting Law, except
 for meetings which are required to be closed pursuant to the Open Meeting
 Law or which may be closed pursuant to the Open Meeting Law and which
 the committee votes to close. An audio recording shall be made of any
 closed meeting when such recording is required by the Open Meeting Law.
- b. Personnel Committee. The Personnel Committee is a standing committee of 447 the Board of Managers and shall consist of two managers, with support from 448 the administrator and the District's legal counsel. The committee shall make 449 recommendations to the Board of Managers on personnel and human 450 resources matters. All meetings of the committee shall be noticed and open 451 to the public as required by the Open Meeting Law, except for meetings 452 which are required to be closed or may be closed pursuant to the Open 453 Meeting Law and which the committee votes to close. An audio recording 454 shall be made of any closed meeting when such recording is required by the 455 Open Meeting Law. 456
- c. *Citizens Advisory Committee*. In accordance with Minn. Stat. §103D.331,
 there is established a District citizens' advisory committee. The committee is
 known as the Citizens Advisory Committee (CAC). The CAC shall perform
 the duties set forth in Minn. Stat. §103D.331. The CAC will meet according
 to a schedule set by its members each year and at such other times as the
 members of the CAC may determine. All meetings of the CAC are open to
 the public.
- 464d.*Technical Advisory Committee.* In accordance with Minn. Stat. §103D.337,465there is established a technical advisory committee (TAC) to the Board. The466TAC is convened as necessary and appropriate to advise the Board on467regulatory, watershed planning and other technical matters.
- Audit and Finance Committee. A committee known as the Audit and Finance e. 468 Committee is hereby established. The Committee shall consist of two 469 managers appointed by the Board. The purpose of the committee shall be to 470 review monthly the financial condition of the District, to assist in the 471 preparation for and review of the results of the annual audit of the District's 472 financial statements. All meetings of the committee shall be noticed and 473 open to the public as required by the Open Meeting Law, except for meetings 474 which are required to be closed pursuant to the Open Meeting Law or which 475 may be closed pursuant to the Open Meeting Law and which the committee 476 votes to close. An audio recording shall be made of any closed meeting 477 when such recording is required by the Open Meeting Law. 478
- 479f.The Board shall not delegate supervision of the District administrator or any480District employee to a committee.
- 481 V. Meetings.

482 483 484	a.	<i>Regular meetings.</i> In December each year the Board will set a schedule of regular meetings for the coming year. Adjourned and special sessions may be held at such times as the Board deems necessary and proper.
485 486 487 488 489	b.	<i>Special meetings and emergency meetings.</i> Special meetings and emergency meetings may be called by the chair or any manager. Notice of a special or emergency meeting will be issued and published by the secretary or the secretary's designee in accordance with the Open Meeting Law, Minnesota Statutes chapter 13D.
490 491 492 493 494	c.	<i>Open and closed meetings</i> . All meetings of the Board will be open to the public, except for a meeting or portion of a meeting required to be closed pursuant to the Open Meeting Law or which may be closed pursuant to the Open Meeting Law. An audio recording shall be made of any closed meeting when such recording is required by the Open Meeting Law.
495 496 497	d.	<i>Quorum</i> . At all meetings of the Board, a majority of the members appointed will constitute a quorum necessary to do business, but a minority may adjourn from day to day.
498 499 500	e.	<i>Action</i> . The Board shall take action only by the adoption of a written resolution before the Board by a majority vote of the managers present at a duly called meeting at which a quorum is present.
501 502 503 504 505 506 507 508 509	f.	<i>Agenda.</i> The agenda for the meetings of the Board will generally follow the order and format set forth in Exhibit X, subject to revisions by the Board as provided herein. Managers, staff and the public may submit items to be considered for inclusion in the proposed agenda, so long as such items are received by the administrator at least ten (10) days prior to the Board meeting. The administrator will prepare a draft proposed agenda and the President shall set the proposed agenda to be distributed with the meeting packet. The meeting agenda shall be set at the meeting by a majority vote of the Board of Managers.
510 511 512 513 514 515 516 517 518 519 520 521 522	g.	<i>Board Meeting Packet</i> . No later than 5:00 p.m. of the third business day preceding a meeting of the Board, the administrator shall prepare a copy of all available materials which are to be presented or discussed at the upcoming meeting, and post these materials to the District website. Other than materials classified by law as other than public as defined in Minnesota Statutes chapter 13, or to materials relating to the agenda items of a closed meeting held in accordance with the procedures in Minn. Stat. §13D.03 or other law permitting the closing of meetings, at least one copy of any printed materials relating to the agenda items of the meeting prepared or distributed by or at the direction of the governing body or its employees and distributed at the meeting, before the meeting, or available in the meeting room to all members of the Board of Managers shall be available in the meeting Law.

523 524 525 526 527	be ca temp the re	<i>duct of meetings</i> . At the time appointed for a meeting, the members will alled to order by the president as chair or, in his or her absence, the borary chair. The chair shall note managers in attendance and declare for ecord whether or not a quorum is present. On determination of a um, the Board will proceed with the approval of the agenda, as may be
528	amer	nded and approved by the Board.
529 530 531 532 533	i.	The chair will preserve order and decide questions of order in accordance with Roberts Rules of Order, subject to an appeal by any member. The chair may make motions, second motions, or speak on any question. The chair will be entitled to vote in the same manner as other members of the Board.
534 535 536	ii.	The order of business for a meeting may be varied by the chair, but no public hearing convened by the Board will be closed before the time specified for the hearing in the notice.
537 538 539 540	iii.	Every member before speaking will address the chair and will not proceed until recognized by the chair. A member called to order will immediately suspend his or her remarks until the point of order is decided by the chair.
541 542 543 544 545 546 547	iv.	Any person may address the Board on a matter properly before the Board. The chair may limit the time allowed for a manager or other person addressing the Board to speak, such limitations to be applied consistently to all speakers. Absent a specific exception adopted by the Board, each member of the Board shall be allowed up to five minutes to speak on each debatable motion, and a second time of up to one minute on the same motion.
548 549 550 551 552	v.	Any person may request that a matter be heard by the Board. The Board will consider such request and determine whether and, if approved, when to take up the matter or to defer the matter pending receipt of additional information thereon and direct the administrator to obtain such information.
553 554 555 556 557 558 559	vi.	Every regular meeting shall provide an opportunity for any person to address the Board on any matter of interest in the watershed. The chair may limit the time for each person to no less than three minutes. Additional comments may be submitted in writing. Generally, the Board will not take action on items so presented but may refer the matter to staff for a future report or direct that the matter be scheduled on a future meeting agenda.
560 561 562 563	vii.	The chair will act to preserve decorum, so that every person in attendance will act with courtesy, civility and respect in all interactions, maintaining an open mind, and participating in open communication; members should refrain from abusive conduct,

564 565		personal charges or verbal attacks upon the character or motives of other members, staff or any member of the public.
566 567 568 569 570	i.	<i>Appeal of a chair ruling.</i> A manager may appeal to the Board from a ruling of the chair. If the appeal is seconded, the manager may speak once solely on the question involved and the chair may explain his or her ruling, but no other manager will participate in the discussion. The appeal will be sustained if it is approved by a majority of the managers present, exclusive of the chair.
571 572 573 574	j.	<i>Meeting rules</i> . In all points not covered by these rules, the conduct of a meeting of the Board will be governed by the current edition of <i>Robert's Rules of Order</i> . <i>Robert's Rules</i> may be temporarily suspended by consent of a majority of the managers present at the meeting.
575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590	k.	<i>Resolutions.</i> Other than procedural motions, the Board shall take action only by the adoption of a resolution properly before the Board by a majority vote of the managers present at a duly called meeting at which a quorum is present. The proponent of any action to be taken by the Board shall prepare and submit a written draft resolution for such proposed action for consideration by the Board. For actions not proposed by a member of the public or an individual manager, the administrator shall prepare and include in the Board meeting packet for each action item on the proposed agenda a proposed written resolution for consideration by the Board. The Board may order that staff prepare a resolution reflecting action taken by the Board on any item for which there is not a written resolution. All resolutions adopted by the Board shall be assigned a number which notes the year of the action and a sequential number. The material terms of a resolution must be stated in the motion to adopt. Each resolution passed by the Board will be signed by the secretary and filed in the official minutes and records of the District maintained at the District office.
591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606	1.	<i>Minutes and Records</i> . Minutes of all meetings of the Board and committees will be made by the secretary or, with respect to a committee meeting, the Board member responsible for making the minutes. Not more than ten days after the meeting a draft of the minutes of the meeting in Word format shall be sent to the managers and the administrator for review. Managers and the administrator shall make a good faith effort to provide any proposed corrections to the minutes in Word format to the secretary and the administrator at least ten days before the next board meeting. The secretary and the administrator will provide proposed minutes in the board packet for the next meeting. When approved and signed, the minutes will constitute the official record and journal of the Board proceedings. Except in extenuating circumstances, at the regular meeting of the Board and adopted as may be amended. A copy of the adopted minutes as amended shall be reduced to writing showing the changes made to the draft minutes and a copy of the adopted minutes will be presented to the

607 608 609 610 611 612 613 614 615		Board of Managers at the next meeting and unless further corrected by a majority vote of the Board of Managers, shall be signed by the Secretary or the Secretary Pro Tem in that form. The signed copy of the adopted minutes shall be kept at the District office and posted to the District's website. All written communications addressed to the Board, other materials included in a Board meeting packet, and all documents and materials submitted to the record in the course of a Board meeting will be filed in the District office with the minutes of the meeting in the meeting folder, including in electronic form.
616 617 618 619 620 621		m. <i>Voting</i> . When the chair puts a question to the Board, every manager present will vote, unless a manager elects to abstain. The manner of voting on any business coming before the Board may be by voice vote provided that all votes of the managers are recorded in the minutes. All votes in meetings conducted by interactive technology as permitted by law shall be taken by roll call.
622 623 624 625 626 627	VI.	Conflict of Interest. The Board seeks to operate in accordance with high ethical standards and wishes to establish clear guidelines for the ethical conduct of District business. Ensuring that conflicts of interest do not affect District proceedings is an essential element of maintaining high ethical standards. Therefore, to specify and supplement its commitment to compliance with the Ethics in Government Act, Minn. Stat. §10A.07, the Board adopts the following conflict of interest policy:
628 629 630 631 632 633 634 635 635		a. <i>Disclosure of conflicts.</i> A manager who has a personal financial interest, or other private interest or relationship that limits the manager's ability objectively to consider, deliberate or vote, in a matter scheduled to come before the Board must prepare a written statement describing the matter requiring action and the nature of the potential conflict. The manager affected will deliver the statement to the president of the Board before the Board considers or takes action on the matter. If a potential conflict arises and a manager does not have sufficient time to prepare a written statement, the manager must orally inform the Board before the matter is discussed.
637 638 639 640 641 642 643 644 645 646 646		b. <i>Abstention</i> . A manager must abstain from chairing any meeting, participating in any vote, offering any motion, or participating in any discussion on any matter that may substantially affect the manager's financial interests or those of an associated business or family member, unless the effect on the manager is no more than on any other member of the manager's business classification, profession or occupation. A manager also must abstain from chairing any meeting, participating in any discussion, offering any motion, or voting on any matter in which a private interest or relationship of the manager limits the manager's ability objectively to consider, deliberate or vote. The manager's nonparticipation in the matter will be recorded in the minutes.

648 649 650 651 652 653 654 655 656	VII.	facilita hinder substat absenc season presen during	s compliance, suspension and amendment . These bylaws are adopted to the transaction of Board business. They should not be permitted to divert or the expressed intent and desire of the Board. Informal compliance and inial performance will be sufficient under the foregoing provisions in the e of an objection seasonably taken. An objection will be deemed not ably taken as to any procedural matter provided for herein if a manager t at the meeting fails to object and request compliance with these bylaws the meeting. To be seasonably taken by an absent member, an objection must en at the next regular meeting of the Board.
657 658 659		a.	Any provision of these bylaws may be suspended temporarily by a vote of all members of the Board present at the meeting, except a provision that preserves the right of an absent manager.
660 661 662 663 664 665		b.	These bylaws may be amended by a four-fifths (4/5) majority of the Board on 30 days written notice of the proposed change(s), unless such notice is waived by all managers. Notice of any amendment is to be contained in the notice of the meeting at which the proposed amendment is to be considered. An amendment to these bylaws must be approved by a four-fifths (4/5) majority of the Board.
666 667 668 669		c.	Interpretation of the bylaws and any amendment thereto will rest with the Board. The bylaws are to be interpreted as consistent with the state watershed laws, Minnesota Statutes chapters 103B and 103D, and other governing laws. In the event of a conflict, the governing laws control.
670		d.	These bylaws will be reviewed by the Board at least once every three years.
671 672		e.	These bylaws govern internal conduct of the business of the District and neither create nor elucidate any right in any third party.
673 674 675 676 677 678 679	Riley-	Purgato	, secretary of the Riley-Purgatory-Bluff Creek Watershed District agers, certify that the attached are true and correct copies of the bylaws of the ry-Bluff Creek Watershed District, which were properly adopted by the Board DATE].
680 681			Date:
682 683	, Secre	etary	

684	Riley-Purgatory-Bluff Creek Watershed District
685	Code of Conduct Policy
686	
687 688	
689	A. DECLARATION OF POLICY
690 691 692 693	The proper operation of democratic government requires that the public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the
694 695 696 697 698	proper channels of the government structure; that public office not is used for personal gain; and that the public have confidence in the integrity of its government.
699 700 701 702	In recognition of these goals, the Board of Managers has established this Code of Conduct for all public officials and employees of the District.
703 704 705 706	Public officials hold office on behalf of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Minnesota. Public officials must carry out impartially
707 708 709 710	the laws of the nation, state and District in fostering respect for all government and otherwise faithfully discharge the duties of their office.
711 712 713 714	Public officials shall be dedicated to fulfilling their responsibilities of office. They shall be dedicated to the public purpose and all programs developed by them shall be in the community interest. Public officials shall
715 716 717	not exceed their authority or breach the law or ask others to do so. They shall work in full cooperation with other public officials and employees unless prohibited from
718 719 720 721 722	doing so by the law.
723 724	
725	B. BOARD OF MANAGERS CONDUCT WITH DISTRICT
726	STAFF
727	1. Board authority. The Board member's statutory duties are generally

728	to be performed by the Board as a whole. The Board, and not individual
729	members, supervises the administrator, and the administrator supervises
730	staff. As individuals, Board members have no administrative authority.
731	They cannot give orders or otherwise supervise District employees, unless
732	specifically directed to do so by the Board. The full Board, however,
733	holds the ultimate authority over all administrative affairs in the District.
734	
735	Clear, honest communication that respects the abilities, experience, and
736	dignity of each individual is expected. Disrespectful behavior, conduct that
737	does not respect abilities, experience, and dignity toward staff is not
738	accepted.
739	-
740	2. Limitations on contact with District staff.
741	
742	(a) Questions of District staff and requests for information shall be
743	directed to the administrator. Materials supplied to a Board member in
744	response to a request will be made available to all members of the
745	Board.
746	
747	(b) Board members shall not express concerns about the performance
748	of a District employee in public, to the employee directly, or to the
749	employee's supervisor. Comments about staff performance shall be
750	made solely to the administrator through private correspondence or
751	conversation, or through performance evaluations which may be held
752	in closed session.
753	
754	(c) Individual Board members must not attempt to influence staff on the
755	making of appointments, awarding of contracts, selecting of
756	consultants, processing of development

757 758		
759		applications, or granting District permits outside of Board action at a
760		Board meeting.
761		
762		(d) Request by a manager for staff support, even in high priority or emergency
763		situations, shall be made to the administrator who is responsible for
764		allocating District staff resources in order to maintain a professional, well-
765		run organization.
766		
767	C.	MANAGERS CONDUCT WITH THE PUBLIC
768		1. No signs of partiality, prejudice, or disrespect will be tolerated on the part of
769		individual Board members toward an individual participating in a public
770		forum.
771		
772		2. The President (or Vice-President in the President's absence) will determine
773		and announce limits on speakers at the start of the public meeting. Generally,
774		each speaker will be allocated three (3) minutes. If many speakers are
775		anticipated, the President may shorten the time limit and/or ask speakers to
776		limit themselves to new information and points of view not already covered
777		by previous speakers. No speaker will be turned away unless exhibiting
778		inappropriate behavior, such as discourteous or abusive conduct or verbal
779		attacks affecting the decorum of the meeting.
780		
781		3. Only the President (or Vice-President in the President's absence), and not
782		individual Board members, can interrupt a speaker during a presentation.
783		Questions by the Board members of the public shall seek to clarify or expend
784		information. It is never appropriate to belligerently challenge or belittle the
785		speaker. Board member's personal opinions or inclinations about upcoming
786		votes shall not be revealed.
787		
788		4. The District attorney serves as advisory parliamentarian for the District and
789		is available to answer questions or interpret situations according to
790		parliamentary procedures. Final rulings on parliamentary procedure are
791		made by the President, subject to the appeal of the full Board of Managers.
792		
793	D.	MANAGERS CONDUCT IN LITIGATION
794		1. A Board member shall not engage the District in frivolous litigation by
795		instituting or maintaining a claim that is not well grounded in fact and not

796		warranted by existing law or a good faith argument for the extension,
797		modification or reversal of existing law or that is interposed for any improper
798		purpose, such as to harass or cause unnecessary delay or needless increase in
799		the cost of litigating the claim.
800		
801		2. The District will seek sanctions and payment of attorneys fees and costs for a
802		Board member who engages in frivolous litigation.
803		
804		3. The District will notify the appointing county board of commissioners when a
805		Board member has filed or maintained litigation found by a court to be frivolous.
806		Trivolous.
807		4. The District will provide an accounting of costs incurred due to litigation
808 809		involving the District filed by an individual Board member.
810		involving the District filed by an individual board memoer.
811	E.]	MANAGERS FIDUCIARY DUTY; USE OR DISCLOSURE OF
812		RMATION
813		1. A Board member shall not use or disclose any information gained in the
814		course of or by reason of his or her official position in any way that violates
815		his or her fiduciary duty to the District or the Minnesota Government Data
816		Practices Act.
817		
818	F. 1	MANAGERS CONDUCT IN UNOFFICIAL SETTINGS
819		1. It is appropriate for Board members to give a brief overview of the District
820		policy when asked about a specific issue by constituents and to refer
821		individuals to District staff for further information. It is inappropriate to
822		overtly or implicitly promise Board action, or to promise that District staff
823		will perform or expedite a specific service or function (monitor lake, rush a
824		permit etc.).
825		
826		2. It is acceptable to publicly disagree about an issue, but it is unacceptable to
827		make derogatory comments about District staff, other Board members, their
828		opinions and actions.
829		
830		3. Board members are constantly being observed by the community every day
831		that they serve in office. Their behaviors serve as models for proper
832		behavior in the District. Honesty and respect for the dignity of each
833		individual should be reflected in every word and action taken by Board of
834		Managers members, 24 hours a day, seven days a week. It is a serious and
835		continuous responsibility.
836 837		

838

E. INCLUSION AND DIVERSITY

The District embraces and values diversity and seeks to expand the District's 839 internal awareness of the opportunities and challenges related to creating a more 840 diverse and inclusive environment. The District seeks to deepen relationships with 841 many communities, including traditionally underserved communities, by increasing 842 outreach and project planning to benefit these communities. The District is 843 committed to increasing its organizational diversity and inclusion efforts by 844 845 increasing recruitment, promotion, and retention of candidates who truly represent our District for staff, CAC and service providers. We believe that a diverse mix of 846 employees enrich the workplace and enhance the quality of our service. We will be 847 innovative in our approaches to communities who truly represent our District. We 848 will continue to collaborate across differences. We will be open to the challenges 849 our community presents as it relates to diversity and inclusion. We will approach 850 our efforts of inclusion with the same level of passion as water resource protection. 851

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F. USE OF CONFIDENTIAL INFORMATION

A public official or employee of the District shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

G. USE OF PROPERTY

A public official or an employee shall not use or allow the use of District time, supplies, or District owned or leased property and equipment for the employee's private interest or any other use not in the interest of the District, except as provided by law and with prior administrator approval for such use and the use is of minimal value.

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Riley-Purgatory-Bluff Creek Watershed District Policies and Procedures for Public Access to Documents

- 868 869 870
- 871

Public access to the data of public bodies is governed by the Data Practices Act (DPA), 872 Minnesota Statutes Chapter 13. The DPA states that data of public bodies are to be available to 873 the public unless specifically protected by law where individual privacy would be violated or 874 where other valid concerns outweigh the interest in public availability. The Riley-Purgatory-875 Bluff Creek Watershed District (District) recognizes the public interest in open access to its data 876 as well as the public interest that requires that certain types of data not be publicly available. It is 877 the intent of the District to comply fully with the DPA and, where the DPA allows for the 878 exercise of judgment, to exercise that judgment consistent with the public interests underlying 879 880 the law. 881 This policy is adopted pursuant to sections 13.025, subdivision 2, and 13.03, subdivision 2, of 882 the DPA, which state that every public body shall establish procedures to implement the DPA. 883 In addition, the District has adopted and maintains a Records Retention Schedule, which is an 884 index of the records and data maintained by the District and describes private or confidential data 885 on individuals collected by the District, in compliance with section 13.025, subdivision 1. This 886 policy also is accompanied by a set of procedures to ensure that data on individuals are accurate 887 and complete and to safeguard the data's security, consistent with section 13.05, subdivision 5, 888 889 as well as an Inventory of Not-Public Data on Individuals to ensure that access to private and confidential data on individuals is limited to District personnel whose work or management 890 assignments require access. The District also maintains a document setting forth the rights of 891 data subjects under the DPA and procedures to guarantee the rights of data subjects in 892 compliance with section 13.025, subdivision 3, and a document setting forth the rights of data 893 subjects under the DPA. 894 895 Data Practices Compliance Official (DPCO) and Responsible Authority (RA) 896 897 The District's administrator is designated as the Data Practices Compliance Official (DPCO) and 898 Responsible Authority (RA). 899 900 901 902 903 **Procedure for Review of District Documents** In order to ensure that requests for government data are received and complied with in an 904 appropriate and prompt manner, all requests to inspect or receive copies of District data, and all 905 other inquiries regarding the DPA, must be submitted on a form available at the following web 906 address: 907 908 Submit a data request :: Riley Purgatory Bluff Creek Watershed District 909 (rpbcwd.org) www.rpbcwd.org/data-request 910 or the following postal address: 911 912 Riley-Purgatory-Bluff Creek Watershed District 913

914	18681 Lake Drive East
915	Chanhassen, MN 55346
916	
917	
918	The District is able to most efficiently and completely respond to requests that are specific and
919	detailed. The Data Practices Compliance Official will help to ensure that documents of interest
920	have been gathered, that documents not subject to inspection pursuant to the DPA have been
921	segregated, and assistance is available to the requesting party. The District will provide requested
922 923	data for inspection at the District office, or other location to be specified by the Data Practices Compliance Official. District files may not be removed from the District office.
924	comphance official. District mes may not be removed from the District office.
924 925	The DPA requires that individuals be permitted to inspect or copy data within a reasonable time
925 926	after a request. The District will attempt to respond to requests as quickly as possible. The
920 927	response time will vary depending on the breadth of the request and the completeness and
927 928	accuracy of the request. It is the goal of the District to acknowledge all requests within three
920 929	business days.
930	ousiness days.
931	If the District determines that certain data cannot be made available for inspection or copying,
932	due to its classification as not public information, it will inform the individual of the
933	classification of the data in question under the DPA and of the legal basis for denial of access.
934	enussineurion of the data in question ander the DTTT and of the regar subis for dentar of decess.
935	The District will comply with the Data Practices Act in protecting "trade secret information" as
936	defined in the Act.
937	
938	The District may provide requested copies of data immediately or may advise that the copies will
939	be provided as soon as reasonably possible thereafter. The ability to provide copies immediately
940	depends on the number of copies requested, staff workload and the need to deliver the data
941	elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data). The DPCO
942	shall maintain a log of DCA requests and the responses to such requests. The DPCO shall
943	review the log with Board at least annually.
944	
945	
946	Costs
947	There is no cost to inspect documents. If document copies are requested, the requesting
948	individual will be charged 25 cents per page for up to 100 letter- or legal-sized black-and-white
949	printed copies, except that there is no charge for delivery by email of less than 100 pages or the
950	equivalent (as determined by the District) of data. Standard charges will apply for re-delivery of
951	data in the event of failure of email delivery resulting from incapacity of the recipient's email
952	system. Copies of documents will not be certified as true and correct copies unless certification is
953	specifically requested. The fee for certification is \$1 per document.
954	
955	With respect to oversize copies, tapes, electronic data, photographs, slides and other unusual
956	formats, the requesting individual will be responsible for the actual cost incurred by the District
957	to make the copy itself or to use a vendor, except that there is no charge for electronic delivery of
958	less than 100 pages of data or the equivalent (as determined by the District).
959	

- An individual requesting copies or the electronic transmittal of more than 100 pages of data is responsible to pay the District the actual cost, including the cost of staff time to search for and retrieve data and to make, certify, compile and transmit copies. Staff-time cost will be assessed based on established hourly rates. The District will not charge for staff time needed to separate
- 964 public from protected data.
- 965
- 966 If an individual so asks, before copies are made the District will advise of the approximate
- number of pages of documents responsive to a request or the likely cost of responding to a
- 968 request. Payment may not be made in cash (checks are accepted). The District may, at its
- 969 discretion, require payment in advance.
- 970

When an individual asks for a copy of data that have commercial value and were developed with

- a significant expenditure of public funds by the District, the District may charge a reasonable fee
- 973 that relates to the actual cost of developing the data. As a condition of making certain
- 974 commercially valuable data available, the District may require execution of a license agreement
- 975 defining allowable use or further distribution.
- 976
- 977
- 978

979 980 981	Riley-Purgatory-Bluff Creek Watershed District Security and Protection of Not-Public Data on Individuals
982 983 984 985 986 987 988	The Riley-Purgatory-Bluff Creek Watershed District establishes the following protocols pursuant to and in satisfaction of the requirement in Minn. Stat. §13.05, subdivision 5, that the District establish procedures ensuring appropriate access to not-public data on individuals. By incorporating employee access to not-public data in the District's Inventory of Data on Individuals, in the individual employee's position description, or both, the District limits access to not-public data to employees whose work assignment reasonably requires access.
988 989 990	Implementing Procedures
991 992 993 994 995 996 997	<i>Data inventory</i> Pursuant to Minnesota Statutes section 13.025, subdivision 1, the District has prepared a data inventory that identifies and describes all not-public data on individuals it maintains. A copy of such inventory is attached hereto as [<i>Appendix A: Inventory of Not-Public Data on</i> <i>Individuals.</i>)]. To comply with the requirement in section 13.05, subdivision 5, the District has indicated on the Inventory the managers and employees who have access to not-public data.
998 999 1000 1001	In the event of a temporary duty as assigned by the administrator that necessitates access to not public information , an employee assigned such duty may access certain not-public data necessary to perform such duty.
1002 1003 1004 1005 1006	In addition to the employees listed in the data inventory, managers, the Responsible Authority/ Data Practices Compliance Official and counsel may have access to <i>all</i> not-public data maintained by the District as necessary for specified duties. Any access to not-public data will be strictly limited to the data necessary to complete the work assignment.
1008 1007 1008 1009 1010	<i>Employee position descriptions</i> Position descriptions may contain provisions identifying any not-public data accessible to the employee when a work assignment reasonably requires access.
1011 1012 1013 1014 1015 1016 1017	Data sharing with authorized entities or individuals State or federal law may authorize the sharing of not-public data in specific circumstances. Not- public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in an applicable Tennessen warning or the District will obtain the individual's informed consent. Any sharing of not-public data will be strictly limited to the data necessary or required to comply with the applicable law.
1017 1018 1019	To ensure appropriate access, the District will:
1020 1021 1022 1023 1024	 Assign appropriate security roles, limit access to appropriate shared network drives and implement password protections for not-public electronic data; Password protect employee computers and lock computers before leaving workstations; Secure not-public data within locked work spaces and in locked file cabinets
	1 I

- Shred not-public documents before disposing of them.
- 1027 *Penalties for unlawfully accessing not-public data*

1028 The District may utilize the penalties for unlawful access to not-public data as provided for in 1029 Minnesota Statutes, section 13.09. Possible penalties include suspension, dismissal or referring 1030 the matter to the appropriate prosecutorial authority who may pursue a criminal misdemeanor 1031 charge.

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1026

1033 **Protection of Private and Confidential Data on Individuals**

10341035 Classification of Government Data

1037 **Confidential data on individuals.** "Confidential data on individuals" are data made not public 1038 by statute or federal law applicable to the data and are inaccessible to the individual subject of 1039 those data.

Data not on individuals. "Data not on individuals" are all government data that are not data on
 individuals.

Data on individuals. "Data on individuals" means all government data in which any individual

is or can be identified as the subject of that data, unless the appearance of the name or other

identifying data can be clearly demonstrated to be only incidental to the data and the data are not
 accessed by the name or other identifying data of any individual.

1046 **Not public data.** "Not public data" are any government data classified by statute, federal law, or 1047 temporary classification as confidential, private, nonpublic, or protected nonpublic.

Nonpublic data. "Nonpublic data" are data not on individuals made by statute or federal law
applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of

1050 the data.

Private data on individuals. "Private data on individuals" are data made by statute or federal
law applicable to the data: (a) not public; and (b) accessible to the individual subject of those
data.

Protected nonpublic data. "Protected nonpublic data" are data not on individuals made by
statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of
the data.

- Public data not on individuals. "Public data not on individuals" are data accessible to the public
 pursuant to section 13.03.
- Public data on individuals. "Public data on individuals" are data accessible to the public in
 accordance with the provisions of section <u>13.03</u>.

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1063 Private and Confidential Data are governed by the following requirements:

Private or confidential data may be released only to persons authorized by law to access
 such data;

- Private or confidential data must be secured at all times and not left in a location where they may be accessed by unauthorized persons;
- Private or confidential data must be shredded before it is disposed of pursuant to the
 District's records retention policy.
- 1070

1071 Accuracy and Currency of Data

- 1072 Employees of the District are requested, and given appropriate forms, to annually provide
- 1073 updated personal information for the District as necessary for District recordkeeping, tax,
- 1074 insurance, emergency notification and other personnel purposes. Other individuals who provide
- 1075 private or confidential information (e.g., managers) are also encouraged to provide updated 1076 information when appropriate.
- 1077

1078 Data Safeguards

Private and confidential information is stored in secure files and databases that are not accessible to individuals who do not have authorized access. Private and confidential data on individuals is accessed only by individuals who are both authorized and have a need to access such information for District purposes. (An individual who is the subject of data classified as private may access such data for any reason.)

1084

1085 The District administrator, as Responsible Authority, reviews forms used by the District to 1086 collect data on individuals and ensures that the District collects private or confidential data only 1087 as necessary for authorized District purposes.

1088

1089 When a contract with an outside entity requires access to private or confidential information

- retained by the District, the contracting entity is required by the terms of its agreement with the District to use and disseminate such information in a manner consistent with the DPA and the
- 1091 District to use and disseminate such information in a manner consistent with 1092 District's Policies and Procedures for Public Access to Documents.
- 1092
- 1094
- 1095
- 1096

1097Riley-Purgatory-Bluff Creek Watershed District1098Private and Confidential Data – Rights of Data Subjects

In accordance with the Minnesota Data Practices Act, Minnesota Statutes chapter 13 (DPA), the following protocols and information are established by the Riley-Purgatory-Bluff Watershed District (District). This information is provided to you, as the subject of private or confidential data collected by the District to explain how (1) the District assures that all data on individuals collected by the District are accurate, complete and current for the purposes for which they were collected, and (2) to explain the security safeguards in place for District records containing data

1105 on individuals.

1106 Rights to Access Government Data

1107 Minnesota law gives you, as the subject of private or confidential data collected by the District,

and all members of the public the right to see data collected and maintained by the District,

unless state or federal law classifies the data as not public. In addition, the DPA gives you and

all members of the public the right to have access to or, if you wish, to copy any public data for

- any reason, as long as the data are not classified as not-public or copyrighted.
- 1112 You have the right to:
- be informed, upon request, as to whether you are a subject of District data and how that
 data is classified;
- know what the District's procedures are for requesting government data;
- inspect any public data that the District collects and maintains at no charge;
- see public data that the District collects and maintains without telling the District who you are or why you want the data;
- have public data that the District collects and maintains explained to you;
- obtain copies of any public District data at a reasonable cost to you;
- be informed by the District in writing as to why you cannot see or have copies of not public District data, including reference to the specific law that makes the data not public;
- receive a response from the District to a data request in a reasonable time.
- contest the accuracy and completeness of public or private data the District has on you and appeal a determination by the District as to whether the data are accurate and complete;
- to ask the District, if you are under 18 years old, to withhold information about you from your parents or guardian;
- consent or revoke consent to the release of information the District has on you;
- release all, part or none of the private data the District has on you.
- 1132

Security of Private and Confidential Data 1133

State law protects your privacy rights with regard to the information the District collects, uses 1134 and disseminates about you. The data the District collects about you may be classified as: 1135

- Public anyone can see the information; 1136
- Private only you and authorized District staff can see the information; 1137 •
- Confidential only authorized District staff can see the information. • 1138

When the District asks to you provide data about yourself that are private, the District will give 1139 you a notice called a Tennessen warning notice. This notice determines what the District can do 1140 with the data collected from you and the circumstances under which the District can release the 1141 data. The District will ask for your written permission before using private data about you in a 1142 way that is different from what is stated in the Tennessen notice you receive. The District also 1143 will ask for your written permission before releasing private data about you to someone other 1144 than those identified in the notice.

1145

State law requires that the District protect private and confidential data about you. The District 1146

has established appropriate safeguards to ensure that your data are not inadvertently released or 1147

wrongfully accessed. The District disposes of private, confidential and other not-public data in 1148 accordance with its Records Retention Schedule, adopted July 2, 2014. Printed data are disposed 1149

of by shredding or other method sufficient to prevent the data from being ascertainable. 1150

Electronic data are destroyed or erased from media in a manner that prevents the data from being 1151

accessed or read. Data-storage systems in District computers are erased in the process of 1152 recycling. 1153

	Riley-Purgatory-Bluff Creek Watershed District
	Data Practices Advisory / Tennessen Warning
S	ome or all of the information you are being asked to provide on the attached form is class
b	y state law as either private or confidential data. Private data is information that generally
c	annot be given to the public, but can be given to the subject of the data. Confidential data
ir	nformation that generally cannot be given to either the public or the subject of the data.
	he Riley-Purgatory-Bluff Creek Watershed District's purpose and intended use of the
ir	nformation is:
	our failure or refusal to supply the information will have the following consequences:
С	Other persons or entities who are authorized to receive the information include:
_	
_	

	Riley-Purgatory-Bluff Creek Watershed District
	Consent to Release – Request from an Individual
Explanation (of Your Rights
-	question about anything on this form, or would like more explanation, please talk
•	urgatory-Bluff Creek Watershed District administrator before you sign it.
o the Kney-1	urgatory-Dium Creek watershed District administrator before you sign it.
I, [name of ind	dividual data subject], give my permission for the Riley-Purgatory-Bluff Creek
Watershed Dis	strict to release data about me to [name of other entity or person] as described on
this form.	
1 171	
-	c data I want the Riley-Purgatory-Bluff Creek Watershed District to release are
explanation o	of data].
2 I have asked	d Riley-Purgatory-Bluff Creek Watershed District to release the data.
	a reney r argutory blan creek watershed District to release the data.
3. I understand	d that although the data are classified as private while in the possession of the
	ry-Bluff Creek Watershed District, the classification/treatment of the data at [nan
	or person] depends on laws or policies that apply to [name of other entity or
person].	or person's depends on have or pendees that appry to [name of other entity of
This authoriza	tion to release expires [date/time of expiration].
	a subject's signature
Date	
Doront/auardia	pr'a signature [if needed]
	an's signature [<i>if needed</i>]

	Riley-Purgatory-Bluff Creek Watershed District Consent to Release – Request from a Government Entity
	Explanation of Your Rights
•	You have the right to choose what data we release. This means you can let us release all of the
	data, some of the data, or none of the data listed on this form. Before you give us permission to
	release the data, we encourage you to review the data listed and described here.
	You have the right to let us release the data to all, some, or none of the persons or entities listed
	on this form. This means you can choose which entities or persons may receive the data and
	what data they may receive.
	You have the right to ask us to explain the consequences for giving your permission to release
	the data.
	You may withdraw your permission at any time. Withdrawing your permission will not affect
	the data that we have already released because we had your permission to release the data.
	and data that we have alloady released because we had your permission to release the data.
	If you have a question about anything on this form, or would like more explanation, please talk
	to the District administrator before you sign it.
	[, [name of individual data subject], give my permission for the Riley-Purgatory-Bluff Creek
	Watershed District to release data about me to [<i>name of other entity or person</i>] as described on
	this form. I understand that my decision to allow release of the data to [<i>name of other entity or person</i>] is voluntary.
	<i>Jerson</i>] is voluntary.
	1. The specific data that the Riley-Purgatory-Bluff Creek Watershed District may release to
	name of other entity or person] are: [description, explanation of data].
	2. I understand the Riley-Purgatory-Bluff Creek Watershed District would release the data
•	[explanation
(of reason for the release].
	3. I understand that although the data are classified as private at the Riley-Purgatory-Bluff Cree
	Watershed District, the classification/treatment of the data at [name of other entity or person] depends on laws or policies that apply to [name of other entity or person]. [Include other known
	consequences.]
C	consequences.]
-	This authorization to release the data expires [<i>date/time of expiration</i>].
]	Individual data subject's signature
	Date
]	Parent/guardian's signature (<i>if data subject is a minor</i>)
	Date

- 1284Riley-Purgatory-Bluff Creek Watershed District
- 1285 **Records Retention Schedule**
- 1286 1287 Adopted February 1, 2017
- 1288 All District records are created and retained in electronic forms, except that record series shaded
- 1289 below may be created and/or retained in hard copy form.

1290 Administration

dministration			
Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Advisory and technical committees – agendas, minutes, reports, related documents	Retain 10 years, then may be transferred to state archives	Public	
Affidavits of publication a. General notices, including project public hearings b. Rules	a. Retain 6 yrsb. Retain permanently	a. Public b. Public	
Agenda, meeting materials board and committee meetings and workshops	Retain 10 years, then may be transferred to state archives	Public	
Agreements and contracts, not otherwise scheduled herein	Retain 10 yrs after paid and audited	Public	
Annual reports	Retain 10 yrs, then transfer to state archives	Public	
Attorneys' opinions			
 a. Opinions of District attorney and correspondence relating thereto b. Official interpretation regarding questions of legal rights or liabilities 	 a. Retain permanently or transfer to state archives when no longer needed b. Retain 10 yrs, then transfer to 	a. Public b. Public/Private- nonpublic	a. b. 13.393 13.39
affecting District	state archives		
Authority to dispose of records	Retain permanently	Public	

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
 Bids and Quotations a. Accepted, noncapital projects b. Rejected, noncapital projects 	a. Retain 10 yrs after completion of projectb. Retain 6 yrs	 a. Public/ nonpublic b. Public/ protected nonpublic until all bids opened 	a. 13.37 b.
Budgets – record copy	Retain permanently or transfer to state archives	Public	
Consultant Contracts	Retain 10 yrs	Public	
Correspondence a. Constituents b. Municipalities/State Agencies c. Engineer d. Financial e. Transitory, such as electronic mail not in one of the above categories Drafts, duplicates, notes and other documents that have not become part of an official transaction, not otherwise scheduled herein	 a. Retain 6 yrs, then archive if documents historical b. Retain 6 years, then archive if historical c. Retain 10 yrs, then transfer to state archives d. Retain 5 yrs then transfer to state archives e. Retain until read Retain 2 yrs 	Private/public Public	13.37; 13.44
Governance			
a. Bylaws	a. Retain permanently	a. Public	
b. Policies	b. Retained only until superseded	b. Public	
Historical data and photographs	Retain permanently or transfer to state archives	Public	
Inventories – equipment supplies, etc.	Retain 10 yrs	Public	

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Lawsuits a. General b. Civil Lawsuits c. Criminal Lawsuits d. Attorneys' opinions, attorneys' briefs, testimony, depositions, correspondence, etc	 a. Retain 10 yrs after settlement or resolution by court, administrative order and then transfer to state archives b. Retain 20 years after last activity c. Retain 2 years after last activity d. Retain 10 yrs, then archive 	 a. Public/ private b. c. d. Public/private/ and non-public 	a. 13.3 0, 13.3 9 b. c. d. 13.3 93, 13.3 9
Leases	Retain 10 yrs after expiration of lease	Public	
Levy (tax) files – tax levies, related correspondence	Retain 5 yrs then transfer to state archives	Public	
Membership association documents (MAWD, Metro MAWD, etc.)	Retain 3 yrs	Public	
Minutes – Board meetings and workshops	Retain permanently	Public	
Newsletters, press releases generated by the District	Retain 10 yrs	Public	
Notices – official District meetings	Retain 6 yrs	Public	
Public hearings records	Retain 6 yrs or until recorded in minutes, do not archive	Public	

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Recordings	T 1.4		12D.05
 a. Board meetings and workshops – audio recordings, closed meetings b. Board meetings and workshops – open 	a. Tapes and other recordings may be discarded 3 yrs after meeting; 8 yrs or until purchase or sale is completed or abandoned for real estate negotiations.	a. Nonpublic/ publicb. Public	a. 13D.05, subd. 3; 13.37
	b. Tapes and other recordings may be reused or discarded 1 yr after formal approval of written minutes by board		
 Technical Information a. Printed material regarding the District b. Printed material not regarding the District 	 a. Retain 10 yrs, then transfer to state archives b. Discard when no longer needed 	a. Public b. Public	

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-	~	~	0	

Real Estate

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Deeds	Retained until property is sold, then transfer to new owner; maintain copy permanently	Public	
Ditch records	Retain permanently	Public	
Easements a. Originals b. Temporary easements	 a. Retained permanently and do not archive b. Discard after project completion or when no longer needed, whichever is later 	a. Public b. Public	
Hazardous materials reports – phase I and II reports, leaking underground storage tank reports	Retain permanently	Public	
Property records (well records, building inspections, etc.)	Retain 20 yrs after sale of property	Public	
Property surveys	Retain permanently	Public	
Transaction records	Retain 10 yrs after sale of property	Public/ Confidential/ Protected Non- public	13.44; 13.585

Bonds

Jonus			
Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Contractor license bonds, certificates of insurance, etc.	Retain 6 yrs after completion of contract	Public	
Fidelity bonds – managers	Retain 6 yrs after completion of service by manager	Public	
Performance and payment bonds	Retain 6 yrs after completion of contract	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure ²	Public	

² Retain copy if original returned to provider.

1302 Financial/Accounting

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Assessment rolls – copies of assessment rolls received from county auditor	Retained 6 yrs after final payment	Public	
Audit reports	Retain permanently	Public	
Billing statements	Retain 6 yrs	Public	
Bank statements – slips, bonds and reconciliations	Retain 6 yrs	Public	
Budget expenditure reports	Retain permanently	Public	
Checks – paid and returned			
a. Accounts payable	a. Retain 6 yrs	a. Public	
b. Payroll	b. Retain 6 yrs	b. Public/ private	
Receipt registers	Retain permanently, and not archived	Public	
Deposit slips	Retain 6 yrs	Public	
General ledger – general, month-end	Retain permanently and do not archive	Public	
Investment documents – amounts invested and interest earned	Retain 4 yrs after maturity	Public	
Payroll	Retain permanently	Public/private	13.43
Pension and retirement plan	Retain permanently	Public or private	
Purged accounts	Retain 6 yrs (irrespective of audit)	Public	
Receipts and receipt books	Retain 6 yrs and do not archive	Public	
Staffing lists	Retain 6 yrs	Public	
Time sheets	Retain 6 yrs	Public/Private	13.43
W-2 statements	Retain 6 yrs	Public/Private	13.43
W-4 statements	Retain until replaced		
Workers' compensation reports	Retain 20 years	Public/Private	176.231
1099 statements	Retain 6 yrs	Public/Private	13.43

1305 Insurance

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Insurance – automobile, fire or other perils, property, public officials, general liability, umbrella liability	Retain 6 yrs after expiration	Public	
Workers' compensation			
a. Claim register	a. Retain permanently	a. Public	a. 176.231
b. Policies	b. Retain 6 yrs after expiration	b. Public	

Permits

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Applications – permits	Retain 10 yrs, then transfer to state archives	Public	
Correspondence – relating to permits	Retain 10 yrs, then transfer to state archives	Public	
Engineer's reports	Retain 10 yrs, then transfer to state archives	Public	
Inspectors' reports – includes reports, inspectors' documents relating to permit inspections	Retain 10 yrs, then transfer to state archives	Public	
Permit financial assurances – bonds, letters of credit	Retain 6 yrs after permit closure	Public	
Permits	Retain permanently	Public	
Plans	Retain permanently	Public	

1311 Personnel

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Affidavit of publication for job opening	Retain 2 yrs	Public	13.43
Affirmative action files	Retain permanently	Public/Private	13.39, 13.43
Applications for employment – not hired	Retain 1 yr	Public	
Personnel policies and procedures, administrative policies	Retain permanently	Public	
Employment contracts	Retain 5 yrs after expiration	Public	
Equal employment opportunity reports, summary date	Retain 3 yrs	Public	
Examination file – completed examinations	Retain 2 yrs	Private	13.43
Employee medical records	Retain 5 yrs after separation from District	Public/private	13.43
Family Medical Leave Act documents	Retain 3 yrs in medical file, not in employee personnel file	Private	13.43
Grievance file	Retain 5 yrs after separation, not in employee personnel file	Public/private	13.43
Job descriptions	Retain until superseded	Public	
Personnel files – applications, accident reports, background check results, citations, personal history, employee references, attendance, disciplinary actions, performance evaluations, letters of appointments or promotion, termination or resignation	Retain 5 yrs after separation	Public/private	13.43
Payroll record – master copy	Retain permanently	Public/private	13.43
Unemployment claims, compensation	Retain 6 yrs	Public/private	13.43
Background check results – not hired	Retain 30 days	Nonpublic	13.87

Projects

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Board documents – resolutions, findings, conclusions	Retain 10 yrs, then transfer to archives	Public	
Contracts			
a. Petitioned projects	a. Retain permanently	Public	
b. Nonpetitioned projects	b. Retain 10 yrs, then transfer to state archives		
Correspondence	Retain 10 yrs, then transfer to state archives	Public	
Engineer's reports and related documents	Retain 10 yrs, then transfer to state archives	Public	
Petitions (for projects)	Retain 10 years, then transfer to state archives	Public	
Property surveys	Retain permanently	Public	
Public hearing documents – non-petitioned projects	Retain 10 yrs, then transfer to state archives	Public	
Public hearing documents – petitioned projects a. notices, written testimony, audio	a. Retain 6 yrs or until recorded in minutes; do not archive	a. Public b. Public	
b. Related public hearing documents	b. Retain 10 years and do not archive		

Programs

Name – Description	Retention, Archiving Instructions	Classification	State Statutory Reference
Water quality, lake elevation, stream-flow a. Field notes and raw data b. Final reports	 a. Retain until final report completed b. Retain permanently or transfer to state archives 	Public	
Public opinion surveys	Retain permanently or transfer to state archives	Public	
Plans			
a. Watershed management plansb. Local water	a. Retain permanently or transfer to state archives	a. Publicb. Publicb. Li	
management plans	b. Retain until updated	c. Public	
c. Program plans and work plans – approved by Board	c. Retain 6 yrs and do not archive		
Rules – District approved	Retain permanently	Public	

1318		Riley-Purgatory-Bluff Creek Watershed District
1319	Pol	icy for Management of Permit Fees, Financial Assurances, and Abandoned Property
1320		
1321		
1322	-	ovided by state law and the Riley-Purgatory-Bluff Creek Watershed District (District)
1323	-	the District receives fees from applicants to reimburse the District for the costs of
1324 1325	-	ssing and administering permits required by the District rules (Permit fees). The District receives bonds, letters of credit and cash deposits (checks) as financial assurances to secure
1326		erformance of permittees in compliance with permit terms and conditions (Financial
1327	-	rances). To ensure that such financial assurances are managed in accordance with sound
1328	finan	cial practices and state law governing local government financial practices and management
1329		andoned property, the District establishes the following policy and protocols for the
1330	mana	gement of Financial Assurances and Permit Fees.
1331	1	
1332	1.	Permit fee payments. The District will accept and process the payment of Permit Fees in
1333 1334		accordance with District rules and the following protocols.a. The District will not accept physical cash in payment of permit fees.
1334		b. Checks received by the District in payment of permit fees will be deposited within
1336		5 business days of receipt.
1337		c. Payment by check will be deemed made only upon the irrevocable clearance of
1338		the check by the financial institution upon which it was drawn.
1339	2.	Financial assurance deposits. The District will accept money paid in the form of a
1340		check of immediately available funds, but no physical cash, as all or part of any Financial
1341		Assurances. In addition, the District may accept performance bonds and letters of credit
1342		with terms satisfactory to the District. Upon receipt of any Financial Assurances, the District shall catalogue and maintain Financial Assurances in accordance with the
1343 1344		following protocols:
1345		a. Financial Assurances received by the District will be logged in the Financial
1346		Assurance Log created for such purposes, then copied. A copy will be filed at the
1347		District offices. The Financial Assurance Log will include, at a minimum, the
1348		following information:
1349		i. Permit number for which the financial assurance instrument is provided;
1350		ii. Name of the permittee/escrow provider;
1351		iii. Name, for bonds and letters of credit, of the surety or issuer;
1352 1353		iv. Amount(s) of the financial assurance provided;v. Expiration date, if any, of the financial assurance;
1354		vi. Location of the financial assurance instrument or deposit;
1355		vii. The depository of any money received as all or part of a financial
1356		assurance.
1357		b. Original Financial Assurance instruments will be deposited for safekeeping at a
1358		location to be designated annually by the District Board of Managers.
1359		c. When the permittee provides a check as its Financial Assurance, the Permittee
1360		shall enter into an escrow agreement with the District that specifies the terms and
1361		conditions under which the District accepts and holds the funds in escrow, as well as the circumstances under which the District may use the escrowed funds.
1362		as the encomstances under which the District may use the escrowed funds.

1000		The District with the effective of a second south in the second second
1363		i. The District, with the advice of counsel, will maintain a cash escrow
1364		agreement template for use by permittees/escrow providers. The
1365		administrator is authorized to execute such escrow agreement on behalf of the District.
1366		
1367		1 5 5 5
1368		funds and not able to be recalled, reversed or otherwise nullified by the
1369		entity on which such check is drawn, or which initiated the transfer.
1370		iii. Permit approval may be revoked for failure to comply with this
1371		requirement, including if a check or transfer is withdrawn, reversed or
1372		revoked or otherwise nullified by the entity on which such checks are drawn or which initiated such transfer.
1373		
1374		d. No check will be accepted by the District to serve as a financial assurance to
1375		secure performance of permit conditions until District staff has verified receipt of
1376		an associated executed escrow agreement, specifying the required deposit amount
1377		and permit to be secured by the escrow. The check must be in the amount
1378		specified in the associated escrow agreement and must bear the number of the District permit(s) to be secured.
1379		1 ()
1380		e. Checks received by the District as financial assurances will be deposited within 10 business days of receipt in an account designated by the administrator
1381		exclusively for permit escrows. The account will be at a Board-designated
1382 1383		depository institution.
1383	3.	Maintenance of valid Financial Assurances. To ensure that the District has the capacity
1385	5.	to assure compliance with its rules and protect the District's water resources in the event
1386		of noncompliance with permit conditions and/or rules, District staff will follow the
1387		protocols below to ensure that Financial Assurances remain valid and enforceable:
1388		a. District compliance with the protocols in this section will be the responsibility of
1389		the District administrator.
1390		b. The administrator will maintain the Financial Assurance Log.
1391		c. The administrator will review the Financial Assurance Log monthly to ensure the
1392		continuing validity of financial assurances provided for active permits by
1393		identifying bonds and letters of credit that will expire within the ensuing 90 days.
1394		d. The administrator will determine – in the course of his or her monthly review of
1395		the Financial Assurance Log – whether replacement of the financial assurance is
1396		needed for a particular permit, and, if so, alert the permittee to the need to provide
1397		a replacement instrument at least 60 days prior to the expiration of the existing
1398		instrument.
1399		e. If deemed necessary in response to a permittee's unwillingness or inability to
1400		provide a replacement financial assurance, the administrator will contact counsel
1401		at least 30 days prior to the expiration of the financial assurance to initiate
1402		procedures to draw on the existing financial assurance.
1403		i. The administrator will ensure that proper authorization for a financial
1404		assurance draw is secured in a timely manner, with a priority on the
1405		protection of District water resources.
1406	4.	Return of Financial Assurances. Financial Assurance instruments will be returned in
1407		accordance with applicable District rules, including section 4 of Rule M.
		•

		. T 1	1
1408			dministrator will monthly designate financial assurances that may be
1409			ed in whole or in part to the surety (with notice to the principal/permittee)
1410			pon receipt of required documentation, take the steps necessary to return
1411			nstruments and/or funds.
1412			cial assurances consisting of monetary deposits with the District shall be
1413			ed by issuing a check drawn on the appropriate financial account of the
1414			ct payable to the permittee or such other person as they designated in the
1415			scrow agreement relating thereto.
1416			dministrator will maintain record of returned financial assurances in the
1417		Finan	cial Assurance Log and retain a copy of original financial assurance
1418		docun	nents in compliance with the District records retention schedule.
1419	5.		property procedures. State law imposes requirements applicable to any
1420		intangible ass	et in the District's possession that remains unclaimed for three years or
1421		more after the	e asset is no longer needed for District purposes (e.g., three years after a
1422		permitted pro	ject is completed and the associated financial assurance becomes eligible
1423		for release in	accordance with District rules). To ensure compliance with abandoned-
1424		property requ	irements, the District establishes the following protocols.
1425		a. The D	vistrict will annually assess whether cash escrows remain on deposit after
1426		comp	etion of the applicable permitted work and attempt to return them. For cash
1427		escrov	vs that have been in the District's possession for three years or more,
1428			med by the owner, staff will commence unclaimed property return
1429		proce	dures as follows.
1430		i.	By July 1 of each year, District staff will take reasonable steps to notify
1431			owners by mail of unclaimed property. A letter should be sent to all
1432			known addresses on file for the owner, notifying owner of the amount still
1433			held by the District and describing steps necessary to claim the property.
1434			Staff need not send such a letter if documentation in the District's
1435			possession indicates that the address(es) it has for the owner are
1436			inaccurate.
1437		ii.	If the owner cannot be found, the assets are deemed legally abandoned and
1438			the District will remit them to the state Commissioner of Commerce, along
1439			with the report required by Minnesota Statutes section 345.41, as may be
1440			amended, containing information on the identity of the owner of the
1441			unclaimed assets in the District's possession, a description of the assets,
1442			the date the assets became payable or returnable to the owner and any
1443			other information that may be required by the commissioner. Formatting
1444			and filing of the report will be in compliance with Department of
1445			Commerce guidance.
1446		iii.	By October 31 each year, the required report, verified by the
1447			administrator, should be filed with the commissioner and all assets
1448			unclaimed as of the preceding June 30 should be remitted to the
1449			commissioner, and a copy of such report shall be provided to the Board of
1450			Managers.
1451		iv.	The District may deduct a service charge from the unclaimed assets
1452			remitted to cover costs of attempting to locate an owner and, if necessary,

1453	reporting and paying the unclaimed funds to the commissioner only if the
1454	escrow provider has agreed to the deduction of such charges.

1455	ESCROW AGREEMENT
1456	
1457	Between the Riley Purgatory Bluff Creek Watershed District
1458	and
1459	
1460	This agreement is made by and between the Riley Purgatory Bluff Creek Watershed
1461	District, a watershed district under Minnesota Statutes chapters 103B and 103D
1462	(RPBCWD), and, a, a, to
1463	establish a cash escrow in fulfillment of financial assurance requirements under
1464	RPBCWD permit no
1465	
1466	Recitals
1467	
1468	A. Pursuant to Minnesota Statutes section 103D.345, the RPBCWD has adopted and
1469	implements rules governing development and other activity within the boundaries of
1470	the RPBCWD that may have an impact on water resources.
1471	
1472	B. RPBCWD rules require that as a condition of permit approval a permittee must
1473	provide and maintain a financial assurance in the form of a bond, letter of credit or
1474	cash escrow for the purpose of covering costs the RPBCWD may incur in monitoring
1475	and inspecting activity under the permit and in responding, if necessary, to violations
1476	of a watershed statute or RPBCWD rule, permit or order.
1477	
1478	C. This agreement documents that a cash escrow has been submitted by Permittee or
1479	on Permittee's behalf to fulfill a financial assurance obligation under permit no.
1480	and specifies the conditions and procedures under which the RPBCWD will
1481	hold and may draw on the escrow. Permittee and the RPBCWD, in executing this
1482	agreement, concur that it is legally binding.
1483	
1484	Agreement
1485	
1486	1. Permittee has submitted a cash escrow in the amount of \$ The
1487	RPBCWD will hold the escrow in an escrow account where it may be commingled with
1488	escrow funds held by the RPBCWD on behalf of parties other than Permittee. The
1489	RPBCWD need not hold the funds in an interest-bearing account and Permittee will not
1490	be entitled to interest on the escrow. If the escrow is submitted in a form other than
1491	cash and the escrow amount is not credited promptly to the RPBCWD account, the
1492	RPBCWD may declare this agreement null and void by written notice to Permittee.

1494
2. Unused escrowed funds will be released to Permittee and additional escrow funds
1495
will be submitted by Permittee or on Permittee's behalf in accordance with the RPBCWD
1496
rules and duly adopted resolutions and policies of the RPBCWD Board of Managers.

1497

3. Escrow funds will become the sole property of the RPBCWD, and Permittee agrees torelinquish all legal and equitable interest therein, as follows:

- 1500a. The RPBCWD may invoice Permittee for permit review, compliance monitoring1501and other eligible costs in accordance with duly established RPBCWD1502procedures.
- b. If after notice and opportunity to be heard the RPBCWD finds violation of a 1503 watershed statute or RPBCWD rule, permit or order, the RPBCWD may give 1504 written notice to Permittee. The notice will describe the violation and the action 1505 required to correct it. If within twenty (20) days of notice delivery the violation 1506 has not been corrected and arrangements acceptable to the RPBCWD have not 1507 been made, without further notice the RPBCWD may take steps it deems 1508 reasonable to correct the violation, and may have access to the property during 1509 reasonable times for that purpose, provided that the RPBCWD will give 24 hours' 1510 notice before entry and exercise due care to avoid unnecessary disturbance or 1511 damage to the property. If the RPBCWD finds that entry is required to address 1512 an occurring or imminent threat to water resources, it may enter and correct 1513 without prior hearing or opportunity to cure, but only to the extent reasonably 1514 1515 necessary to address the threat.
- c. The RPBCWD may invoice Permittee for reasonable costs incurred for activity
 under paragraph 3b. If payment is not made within 30 days, the RPBCWD may
 transfer funds from the escrow account into RPBCWD accounts and credit
 Permittee accordingly.
- 4. Escrow funds submitted hereunder are submitted to secure the performance of 1520 Permittee under permit no. _____. If the permit is issued, and if the Permittee 1521 and any agent, employee or contractor well and faithfully performs all activities and 1522 things undertaken and authorized by permit no. _____ in compliance with all 1523 applicable laws, including applicable statutes, rules, permit conditions, orders, 1524 agreements and stipulations of the RPBCWD, and pays, when due, all fees or other 1525 charges required by law, including all costs to the RPBCWD of administering and 1526 enforcing the terms of the above-stated permit and this agreement, including 1527 reasonable attorneys' fees, then on written notification to the RPBCWD of same and the 1528

1529 RPBCWD's confirmation thereof, the RPBCWD will release the escrowed funds to1530 Permittee.

1531

1532 5. All obligations of the RPBCWD under this agreement in holding and using the escrow funds are to Permittee only. Nothing in this agreement creates any right in any third 1533 party as against the RPBCWD or in any way waives or abridges any immunity, defense 1534 or liability limit of the RPBCWD. Permittee indemnifies the RPBCWD for any claim, 1535 1536 liability or cost the RPBCWD incurs as a result of a party other than Permittee asserting ownership in or a right to the escrow funds or any party thereof. Permittee will not 1537 1538 assign or purport to assign any interest in the escrow funds or this agreement to any third party, except in conjunction with a transfer of Permittee's permit approved in 1539 writing by the RPBCWD. 1540

1541

6. Nothing in this agreement affects Permittee's legal right, if any, to appeal a finding
of violation or seek a legal determination of the purposes to which the RPBCWD may
use the escrow funds.

1545

7. The Permittee agrees that, should the escrow funds submitted hereunder remain
unclaimed by the Permittee or his successor in interest so as to become "abandoned
property" as that term is defined in Minnesota law, the RPBCWD may assess a service
charge from the unclaimed assets to cover costs of attempting to locate the Permittee
or his successor in interest and, if necessary, reporting and paying the unclaimed
funds as required by law.

1552

8. This agreement is effective on the signature of the parties and terminates when the
RPBCWD releases the escrow or declares the agreement null and void under paragraph
1, above. The agreement may be amended only in a writing signed by the parties. An
increase or decrease in the amount of escrow funds held by the RPBCWD for permit no.
does not constitute an amendment.

1558

9. Notice to Permittee under this agreement is effective when sent by certified mail to
Permittee's address as stated in the permit application or such other address as
Permittee subsequently has notified the RPBCWD in writing. The laws of the State of
Minnesota will govern any legal proceeding concerning this agreement. Venue for any
such proceeding will be in the county where the real property that is the subject of this
agreement is located. The recitals are incorporated as a part of this agreement.

1566 IN WITNESS WHEREOF, the parties hereto have executed this agreement.

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
By Date:
Administrator
PERMITTEE
By: Date:
[print name here]
as of
State of Minnesota
County of :
This instrument was acknowledged before me on,
by, as,
of
(Signature of notarial officer)
(Stamp)

Notary Public My commission

expires:

	ESCROW PROVIDER ACKNOWLEDGEMENT & RELEASE
The	e undersigned acknowledges having received and understood the agreement to
wh	ch this acknowledgement is attached. By signing, the undersigned agrees to hold
the	Riley Purgatory Bluff Creek Watershed District (RPBCWD) harmless from and
rele	eases any and all claims the undersigned may have to the funds or any part thereof
pro	vided to the RPBCWD for the purposes described in and under the terms of the
agr	eement.
۵ck	nowledged, intending to be legally bound:
ACT	nowicagea, intending to be regary bound.
	Date:
•	[print name]
	e
COI	npany
	State of Minnesota
	County of :
	This instrument was acknowledged before me on,
	by, as,
	of
	(Signature of notarial officer)
	(Stamp)
	Notary Public
	My commission expires:

1612 Public Purposes Expenditures Policy 1613 1614 1614 Minnesota law mandates that governmental entities make expenditures only for public purposes 1615 Minnesota law mandates that governmental entities make expenditures only for public purposes 1616 and only as authorized to accomplish the purposes for which the entity was created. The Riley- 1617 Purgatory-Bluff Creek Watershed District (District) establishes the following policy and 1618 protocols to ensure that District expenditures serve clear, documented watershed district 1619 purposes. The District administrator will be responsible for the implementation of this policy and 1620 associated protocols. 1621 1. Travel. The District may pay reasonable and necessary expenses for travel, lodging, 1622 1. Travel. The District may pay reasonable and necessary expenses for travel, lodging, 1623 meals and appropriate incidental expenses related to the performance of official District 1624 functions. Expenditures must be approved in advance by the administrator (for 1625 employees) or Board of Managers (for managers, Citizens Advisory Committee 1626 members, and the administrator) and must be directly related to the performance of 1627 District functions. Reimbursement	1611		Riley-Purgatory-Bluff Creek Watershed District
1613161416151616161616171618161916191619161916191619161916191619161916101619161916101619161016191610161116121612161316201621162116211622162316241624162416251625162616261627162816291629162016201621162116211622162316241624162416251626162716281629162916201620162116211622162217162316241624162516261627162816291629162916201620162116221622162316241624162516261627162816291629 <th>1612</th> <th></th> <th>Public Purposes Expenditures Policy</th>	1612		Public Purposes Expenditures Policy
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1632Internal Revenue Service. Mileage expenses need not be approved in advance,1633but mileage expenses will be reimbursed only when accompanied by	1630		using the employee's or manager's personal vehicle to conduct District business.
but mileage expenses will be reimbursed only when accompanied by	1631		Mileage will be reimbursed at the tax-deductible mileage rate set by the federal
	1632		Internal Revenue Service. Mileage expenses need not be approved in advance,
	1633		
	1634		documentation of the date, number of miles traveled, purpose and destination(s).
1635 Mileage for employee commuting to and from the District offices will not be	1635		
	1636		reimbursed. Whenever possible, an employee shall use a vehicle owned or leased
			by the District where travel is needed in the performance of an employee's duties.
b. <i>Overnight in-state travel</i> . Expenses eligible for reimbursement include:		b.	
1639i.Registration for workshops, conferences, seminars and other events			
1640 pertaining to District business;			
1641ii.Mileage and parking - use of personal vehicle (only) will be reimbursed			
1642 at the tax-deductible mileage rate set by the federal Internal Revenue			
1643 Service;			
1644 iii. Meals;			
1645 iv. Gratuities (not to exceed 20 percent of expenses incurred);			
1646 v. Lodging;			8 8
1647 vi. Other actual expenses.		2	1
1648 c. <i>Overnight out-of-state travel</i> . All out-of-state travel must be approved in advance		C.	
1649 by the Board of Managers. In determining whether to approve out-of-state travel,			
1650 the Board of Managers will give particular consideration to whether 1651 representation from the District has been requested by a state or federal			
1651representation from the District has been requested by a state or federal1652governmental office or other host entity whose purpose or work particularly			
1652governmental office or other host entity whose purpose or work particularly1653relates to the District's purposes, projects or programs. If two or more managers			
1654 or staff travel together by car, only the driver will receive reimbursement. All			
1655 expenses are limited to those which are reasonable, ordinary and necessary.			

1 (E (Receipts are required for expenses for which reimbursement is requested.
1656		Expenses eligible for reimbursement include:
1657		1 6
1658		i. Round-trip economy-class (or lesser-cost) airfare;ii. Registration for conferences, seminars and other events pertaining to
1659		
1660		District business;
1661		iii. Mileage and parking – use of personal vehicle (only) will be reimbursed at
1662		the tax-deductible mileage rate set by the federal Internal Revenue Service
1663		and the cost of renting an automobile will be reimbursed only if necessary
1664		to conduct District business (reimbursed to airport and back using personal
1665		vehicle);
1666		iv. Meals (excluding alcoholic beverages);
1667		v. Gratuities (not to exceed 20 percent of expenses incurred);
1668		vi. Lodging;
1669	2	vii. Other actual and reasonable expenses.
1670	2.	Employee and manager training. The District may pay reasonable registration, tuition,
1671		travel and incidental expenses (including lodging and meals) for education, development
1672		and training when expenditures are directly related to the performance of duties.
1673		Expenditures must be approved in advance by the administrator (for employees) or Board
1674		(for managers and the administrator). Each person attending such training shall report on
1675		the purpose of the training, the skills and knowledge obtained as a result of the training
1676		and implementation recommendations, and recommendations on the value of future
1677		attendance of such training. The administrator shall maintain a log of training paid for by
1678	2	the District and include a report on staff and manager training in the monthly staff report.
1679	3.	Safety and health programs. The District may pay for safety and health programs that
1680		promote healthier and more productive employees and reduce costs to watershed
1681		taxpayers, including costs associated with workers' compensation and disability benefits
1682		claims, insurance premiums and lost time resulting from employee absences.
1683	4.	Manager, employee, and volunteer recognition and appreciation. The District may
1684		pay for programs that recognize managers, employees, or volunteers for contributions to
1685		the District's performance and demonstrated commitment to the District's effective and
1686		efficient fulfillment of its purposes in accordance with an annual plan and budget for such
1687		events, approved by the Board. The District may pay for occasional manager, employee,
1688		or volunteer appreciation events or activities conducted in accordance with an annual
1689		plan and budget for such events, approved by the Board.
1690		a. The District will not pay employees direct non-salary payments (i.e., bonuses)
1691		except as conditioned on achievement of performance goals specified in a written
1692	_	employment agreement.
1693	5.	Food and beverages. The District may pay for food and beverages when necessary to
1694		ensure meaningful, efficient and effective participation of employees, managers or the
1695		public in activities, events and functions directly related to District purposes.
1696		Circumstances under which District expenditures for food and beverages will be allowed
1697		include:
1698		a. Food and/or beverages provided as part of a structured agenda of a conference,
1699		workshop, work session, outreach meeting or seminar, when the topic or subject
1700		of which relates to the official business of the District and the majority of the
1701		participants are not District employees or managers;

1702		b. Food and/or beverages may be provided as part of a workshop or formal meeting
1703		primarily for District employees or managers where food and/or beverages are
1704		necessary to facilitate the conduct of the meeting, to ensure continuity and support
1705		the participation of employees, managers and other participants. Examples of
1706		potential qualifying events include:
1707		i. An extended planning or operational analysis meeting;
1708		ii. An extended meeting to develop long-term strategic plans;
1709		iii. A structured training session for employees generally; or
1710		iv. Official meetings of the District Board, a committee, task force or
1711		advisory group.
1712		c. Food and/or beverages may be provided for occasional employee, manager, or
1713		volunteer recognition and appreciation events and activities, when approved by
1714		the Board in accordance with a District recognition and appreciation plan and
		budget.
1715		d. The District may pay for food and/or beverage expenses incurred in connection
1716		
1717		with a meeting or event attended by employees and/or managers, the primary
1718		purpose of which is to discuss, negotiate or evaluate a plan, program, project or
1719		other endeavor directly related to District purposes.
1720		e. District meetings, workshops and training sessions will be scheduled to avoid the
1721	6	need to provide food whenever possible.
1722	6.	Outreach and stakeholder involvement. The District may pay for community and
1723		stakeholder outreach and involvement programs to ensure that efficient and effective
1724		District programs, projects and meetings are conducted to gather public and
1725		intergovernmental input and participation in District planning, research, rulemaking and
1726		program or project design.
1727	7.	Membership, donations. The District may pay for membership in the Minnesota
1728		Association of Watershed Districts in accordance with Minnesota Statutes section
1729		103D.335, subdivision 20. District funds may be expended for membership in other
1730		professional organizations if the organization is an association of a civic, educational or
1731		governmental nature and its activities are directly related to District purposes or the
1732		improvement of District operations. District funds may not be donated to any
1733		professional, technical or charitable organization, person or private institution. The
1734		District may contract for services rendered by such organizations.
1735	8.	Protocols . The following protocols are established to ensure compliance with above
1736		policies:
1737		a. For employees other than the administrator, the written approval of the
1738		administrator must be secured prior to an event or activity to qualify as a District
1739		expenditure.
1740		b. All invoices or reimbursement requests must include or be accompanied by a
1741		copy of the administrator's written approval and must include itemized receipts or
1742		other appropriate documentation of expenses incurred. Documentation also must
1742		include the date the expense(s) were incurred, location, purpose, participating or
1743 1744		attending individuals and relevant affiliation, explanation of the need for food
		and/or beverage for the meeting, event or activity, and any other relevant
1745		information.
1746		

1747		c.	Copies of all documentation specified herein will be recorded and maintained in
1748			accordance with the District records retention policy.
1749		d.	No expenditure shall be made which will cause the aggregate expenditures in the
1750			budget category to exceed the budget for that category without authorization by
1751			the Board of Managers.
1752	9.	Use o	of District property
1753		a.	District property, including but not limited to computers, phones, fax machines
1754			and other office equipment, will be used exclusively for District business, except
1755			for incidental personal use by District staff that does not interfere with or impede
1756			the conduct of District business to any substantial degree.
1757		b.	District property must be used for only its intended purposes.
1758		c.	The administrator may not dispose of any District property with a value of more
1759			than \$1,000 without prior authorization of the Board.
1760	10.	Misc	ellaneous.
1761		a.	The District administrator will secure an approval described above for expenses
1762			he or she will incur from the president of the Board, except that the administrator
1763			may approve or pay expenses for District-conducted programs, events and
1764			activities.
1765		b.	The District will not pay for alcoholic beverages under any circumstances.
1766		c.	The District will not pay for expenses of a spouse or other person accompanying a
1767			manager, employee, or Citizens Advisory Committee member.

1768	Riley-Purgatory-Bluff Creek Watershed District				
1769	Fund Balance Policy				
1770	I. Purpose				
1771	Pursuant to Statement No. 54 of the Governmental Accounting Standards Board concerning fun				
1772	balance reporting and governmental-fund type definitions, and the recommendation of its				
1773	auditor, the Riley-Purgatory-Bluff Creek Watershed District establishes specific guidelines the				
1774	District will use to maintain an adequate fund balance to provide for cash-flow requirements and				
1775	contingency needs because major revenue, most notably half of the District's annual levy, is				
1776	received in the second half of the District's fiscal year.				
1777	The policy also establishes specific guidelines the District will use to classify fund balances into				
1778	categories based primarily on the extent to which the District is legally required to expend funds				
1779	only for certain specific purposes.				
1780	II. Classification of Fund Balances, Procedures				
1781	1. Nonspendable				
1782	• This category includes funds that cannot be spent because they either (i) are				
1783	not in spendable form or (ii) are legally or contractually required to be				
1784	maintained intact. Examples include inventories and prepaid amounts.				
1785	2. Restricted				
1786	• Fund balances are classified as restricted when constraints placed on those				
1787	resources are either (i) externally imposed by creditors, grantors, contributors				
1788	or laws or regulations of other governments or (ii) imposed by law through				
1789	constitutional provisions or enabling legislation.				
1790	3. Committed				
1791	• Fund balances that can only be used for specific purposes pursuant to				
1792	constraints imposed by action of the District Board of Managers. The				
1793	committed amounts cannot be used for any other purpose unless the District				
1794	removes or changes the specified use by taking the same type of action it				
1795	employed to commit those amounts.				
1796	• The Board of Managers will annually or as deemed necessary commit specifi				
1797	revenue sources for specified purposes by resolution. This action must occur				
1798	prior to the end of the reporting period, but the amount to be subject to the				
1799	constraint may be determined in the subsequent period.				
1800	• The Board of Managers may remove a constraint on specified use of				
1801	committed resources by resolution.				

1802		4.	Assigned
1803			• Amounts for which a specified purpose has been stated, but are neither
1804			restricted nor committed. Assigned fund balances include amounts that are
1805			intended to be used for specific purposes.
1806			• Only the District board of managers has the authority to assign and remove
1807			assignments of fund balance amounts for specified purposes.
1808		5.	Unassigned
1809			• A residual classification that includes amounts that have not been assigned to
1810			other funds and that have not been restricted, committed, or assigned to
1811			specific purposes.
1812		6.	Other Principles and Procedures
1813			
1814			• Working capital. The District will endeavor to maintain an unassigned fund
1815			balance of an amount not less than 50 percent of the next year's budgeted
1816			expenditures for working capital. This will assist in maintaining an adequate
1817			level of fund balance to provide for cash-flow requirements and contingency
1818			needs because major revenues, including property taxes and other government
1819			aids are received in the second half of the District's fiscal year.
1820			• A negative residual amount may not be reported for restricted, committed, or
1821			assigned fund balances.
1822	III.	M	onitoring and Reporting
1823			ct administrator will annually prepare a report on the status of fund balances in relation
1824	to this	s pol	icy and present the report to the District managers in conjunction with the annual audit

1825 report to the State of Minnesota.

1826 When both restricted and unrestricted resources are available for use, it is the District's general

1827 policy to first use restricted resources, then use unrestricted resources as needed. When

1828 committed, assigned or unassigned resources are available for use, it is the District's general

policy to use resources in the following order; 1) committed 2) assigned and 3) unassigned.

1832Internal Controls and Procedures for Financial Management1833183418351836This policy is adopted to provide the Riley-Purgatory-Bluff Creek Watershed District1836(District) with written internal controls and procedures for financial management.	
 1834 1835 This policy is adopted to provide the Riley-Purgatory-Bluff Creek Watershed District 1836 (District) with written internal controls and procedures for financial management. 	
1835This policy is adopted to provide the Riley-Purgatory-Bluff Creek Watershed District1836(District) with written internal controls and procedures for financial management.	
1836 (District) with written internal controls and procedures for financial management.	
	ct
Adherence to this policy and procedures will ensure that the District's finances are managed in accordance with generally accepted accounting principles and best practices.	tions
 managed in accordance with generally accepted accounting principles and best practices, and will minimize District administrative costs. 	lices,
1840 I. Annual budget. The administrator annually develops a proposed budget for	
1841 presentation to the Board of Managers for review. After adjustments as directed	
by the Board, the District schedules and issues appropriate notice for a public	
hearing on the proposed budget. Following the public hearing but before	
1844September 15 each year, the Board of Managers adopts the annual budget and	ıd
1845 certifies it to the Hennepin County auditor.	
1846 a. Amounts in any approved budget category may not be reallocated without	thout
1847 approval of the Board of Managers.	
1848b.Actual expenditures may not materially deviate from the amount in an1849approved budget category.	.11
1850 II. Annual financial statements. Annual financial statements are accepted by the	he
1851 Board of Managers, then submitted to the Board of Water and Soil Resources and	
the Office of the State Auditor within 180 days of the end of each fiscal year.	
a. In preparation for the annual audit of the District finances, the	
administrator prepares the following documents:	
i. Copies of approved budgets and all budget amendments;	ıts;
1856ii.Detailed general ledger (through year-end);	
1857iii.Bank reconciliation and bank statements;1858iv.Copies of disbursements and receipts;	
1858iv.Copies of disbursements and receipts;1859v.Copy of tax (levy) settlements from Hennepin County;	.
1860 vi. Copy of certification levy;	,
1861 vii. Listing of accounts payable and copies of signed checks;	ks;
viii. Grant and other funding agreements;	,
ix. List of capital assets, showing all deletions and additions;	ons;
1864 x. Copies of invoices;	
1865 xi. Approved minutes.	
1866 b. The administrator annually presents the audit for acceptance to the Board	oard
1867of Managers at a monthly meeting.1868III.Monthly financial management protocols.	
 1868 III. Monthly financial management protocols. 1869 a. The District contracts with a certified public accountant to manage the 	1e
1870 checking accounts and investment funds of the District.	ic .
1871 b. The office administrator opens the mail and receives checks, permit fees	fees
payments, monthly bills and invoices at the District office.	
i. The office administrator copies escrow checks and permit	rmit
1874 fees payments, enters them into a spreadsheet, copies	
1875checks, deposits them, and attaches deposit slips to the	e
1876 spreadsheet;	

1877		ii. The office administrator opens invoices, stamps with date
1878		and time received, and places them in a folder for the
1879		administrator's review;
1880		iii. The office administrator collects staff receipts for expense
1881		reimbursement, including expense receipts for credit card
1882		charges, or a weekly basis;
1883		iv. The office administrator places per diem request sheets in a
1884		folder for the administrator's review.
1885		c. Receipts are reviewed and approved by the administrator and invoices are
1886		reviewed and approved by the administrator and Treasurer.
1887		d. The administrator reviews the Excel spreadsheet prepared by the
1888		administrative assistant, listing vendor, invoice number, invoice amount
1889		and general ledger coding; a list of deposits with coding and a list of credit
1890		card charges with coding, and emails this information to the accountant.
1891		e. The accountant prepares checks pursuant to these recommendations to pay
1891		the monthly bills.
1893		f. Payroll is processed through a third-party payroll service. The
1893		administrator submits employee hours to the payroll service for each pay
1895		period. The payroll service prepares payroll on a semi-monthly basis by
1895		direct deposit and is responsible for all tax filing requirements, tax forms,
1890		and PERA payments or filing requirements.
1898		
1898		g. The accountant prepares a monthly treasurer's report that includes a listing of bills to be paid and tracks account balances. The accountant also
1900		prepares an internal report for the treasurer.
1900		h. The administrator reviews the treasurer's report and distributes the report
1901		to the Board of Managers for their review prior to the Board's monthly
1902		meeting.
1904		i. The treasurer also reviews the bills to determine whether to recommend
1905		payment. All bills are available for review by any member of the Board of
1906		Managers on request.
1907		j. The treasurer reviews the treasurer's report for accuracy prior to
1908		presentation to the Board of Managers.
1909		k. At the monthly Board meeting, the treasurer presents the treasurer's
1910		report. The Board of Managers receives and discusses, as necessary, the
1911		treasurer's report, then authorizes payment of the monthly bills as
1912		presented in the check register.
1913		1. Following Board authorization to pay the bills, the administrator mails
1914		payment to vendors as authorized.
1915	IV.	Spending Authority. All expenditures by the District must be approved in
1916		advance by the Board, except that the Board by resolution may delegate to the
1917		administrator the authority to bind the District, with or without countersignature,
1918		to a purchase of goods or services, or to enter into a contract for same, up to a cost
1919		limit established by the Board's resolution, or under other specific conditions
1920		a. The administrator may not purchase any real estate or easements on real
1921		estate without prior authorization for the Board of Managers.
1922	V.	Automated Clearing House (ACH) Payments. The Board by resolution may

1923		authorize regular payments to established District vendors through Automated
1924		Clearing House (ACH) electronic payments. Such payments authorized by Board
1925		resolution do not require prior approval but shall appear in the monthly
1926		Treasurer's Report as an identified monthly expense.
1927	VI.	Banking
1928		a. The District maintains a current signature card at the depository bank.
1929		b. The administrator and treasurer may transfer funds between District
1930		accounts and may deposit funds into District accounts.
1931		c. Cash withdrawals from District accounts are prohibited.
1932		d. The administrator, in consultation with the treasurer, is authorized to
1933		invest District funds in accordance with Minnesota Statutes chapter 118A.
1934		e. All deposits to District accounts must be made intact, and the District's
1935		bank is instructed not to return cash from a deposit to a District account.
1936	VII.	Checking
1937		a. The administrator is not an authorized signatory of District checks.
1938		b. All checks, drafts or other orders for the payment of money, notes or other
1939		evidence of indebtedness issued in the name of the District shall not be
1940		valid unless signed by two managers, except that a check, draft or other
1941		order for payment of less than \$100 is valid with one manager's signature.
1942	VIII.	Credit card use. The administrator is authorized to incur charges to the District
1943		credit card, with a maximum single charge and allowable billing-period maximum
1944		charges to be established by resolution of the Board of Managers.
1945		a. A receipt must be obtained for all District credit card purchases.
1946		Individuals making credit card purchases for which a detailed receipt is
1947		not provided may, at the administrator's discretion, be required to
1948		reimburse the District for the purchase.
1949	IX.	Reporting
1950		a. All expenditures and investments, receipts and disbursements made must
1951		be compiled for presentation to the Board of Managers by the treasurer in
1952		a timely manner.
1953		b. The annual audit will be filed with the Board of Water and Soil Resources
1954		and the Office of the State Auditor within 120 days of the end of the
1955		District's fiscal year (January 1 – December 31).
1956		c. The administrator and treasurer will regularly review relevant records and
1957		documents for any of the following, and report to the treasurer (for the
1958		administrator) or the Board of Managers (for the treasurer) any of the
1959		following if found:
1960		i. Unusual or unexplained discrepancy between actual
1961		performance and anticipated results (costs in a general
1962		expense categories well beyond the budgeted amount);
1963		ii. Receipts that do not match deposit slips;
1964		iii. Disbursements to unknown and/or unapproved vendors;
1965		iv. A single signature on a check or pre-signed blank checks;
1966		v. Gaps in receipt or check numbers;
1967		vi. Late financial reports;
1968		vii. Disregard of internal control policies and procedures.

1969	Х.	Depositories and collateralization. In accordance with state law, the District
1970		names an official depository or depositories at its January meeting each year
1971		(depository bank(s)). In the event the Board of Managers does not designate a
1972		depository in any particular year, the last-designated depository will continue in
1973		that capacity. Each depository bank provides the District with a proof of
1974		collateralization in accordance with state law (Minnesota Statutes section 118.03)
1975		for an amount equal to the amount on deposit at the close of the depository bank's
1976		banking day beyond the amount covered by federal insurance, if any. The
1977		collateral provided by each depository bank will be maintained in an account in
1978		the trust department of a bank or other financial institution not owned or
1979		controlled by the same (depository) bank or in a restricted account at a federal
1980		reserve bank. District funds are managed pursuant to the Investment and
1981		Depository Policy, adopted January 8, 2020.
1982	XI.	Financial Assurances and Abandoned Property. See District Policy for
1983		Management of Financial Assurances and Abandoned Property, adopted
1984		November 21, 2012.
1985	XII.	Miscellaneous
1986		a. The District will not maintain a petty cash fund.
1987		b. The District will not accept cash (currency) in payment of permit fees or
1988		financial assurances.
1989		c. The District will not cash personal or third-party checks.

1990d.The administrator must not fail to insure District property against theft and1991casualty loss.

RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT 1993 1994 **INVESTMENT AND DEPOSITORY POLICY** 1995 1996 1997 **PURPOSE** 1. 1998 1999 The purpose of this policy is to establish the Riley Purgatory Bluff Creek Watershed 2000 District's investment objectives, establish specific guidelines that the District will 2001 use in the investment of funds, and establish District depository policy. It will be 2002 the responsibility of the District administrator to invest District funds in order to 2003 attain a market rate of return while preserving and protecting the capital of the 2004 overall portfolio and to ensure compliance with District policy and with statutory 2005 2006 requirements applicable to the District's designation a depository financial institution. Investments will be made in compliance with statutory constraints and 2007 in safe, low-risk instruments that are approved by the RPBCWD Board of 2008 Managers. 2009 2010 2. **SCOPE** 2011 2012 This policy applies to all financial assets of the District, including, as to depository 2013 policy, funds held in escrow. 2014 2015 2016 SPECIFIC REVENUE SOURCES AND POOLING OF FUNDS 3. 2017 2018 2019 The District will report proceeds of specific revenue sources as restricted, committed or assigned for specific purposes, as applicable, and maintain its budget 2020 and accounts in a manner consistent with these designations. Except for cash in 2021 these certain restricted, committed and assigned funds, the District will consolidate 2022 cash and reserve balances from all funds to maximize investment earnings and 2023 increase efficiencies with regard to investment pricing, safekeeping and 2024 2025 administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting 2026 principles. 2027 2028 **DESIGNATION OF DEPOSITORY AND COLLATERALIZATION** 2029 4. 2030

The District Board of Managers annually will designate a financial institution or 2031 institutions in the State of Minnesota as the depository of District funds. In the 2032 event the Board of Managers does not designate a depository in any particular year, 2033 the last-designated depository will continue in that capacity. Each depository will 2034 furnish collateral, as necessary, in the manner and to the extent required by 2035 Minnesota Statutes Section 118A.03, as it may be amended, and other applicable 2036 2037 law. Collateral will be held in safekeeping in compliance with Section 118A.03, as it may be amended. 2038

DELEGATION OF AUTHORITY

Minnesota Statutes Section 118A.02 provides that the governing body may 2041 authorize the treasurer or chief financial officer to make investments of funds under 2042 Sections 118A.01 to 118A.06 or other applicable law. Pursuant to Article VI of the 2043 District Bylaws and Governance Policies: Executive Limitations Policy 6, Asset 2044 Protection, the Board of Managers, and as otherwise permitted by law, designates 2045 the administrator as the District's chief financial officer and authorizes the District 2046 administrator to invest District funds pursuant to this policy and state law for the 2047 District. 2048

The District administrator shall assure compliance with this policy and further develop and maintain adequate controls, procedures, and methods assuring security and accurate accounting on a day-to-day basis.

2054 **6. OBJECTIVES**

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2076 2077 At all times investments of the District shall be made and maintained in accordance with Minnesota Statutes Chapter 118A as it may be amended. The primary objectives of the District investment activities shall be in the following order of priority:

A. SECURITY

Security of principal is the foremost objective of the investment portfolio. Preserving capital and protecting investment principal shall be the primary objective of each investment transaction. Specific risks will be managed as follows:

Credit Risk. Credit risk is the risk of loss due to failure of the security issuer or backer. Designated depositories will have insurance through the Federal Deposit Insurance Corporation or the Securities Investor Protection Corporation. To ensure security when considering an investment, the District will cross-check all depositories under consideration against existing investments to make certain that funds in excess of insurance limits are not deposited with the same institution unless collateralized as outlined herein. Furthermore, the Board of Managers will approve all financial institutions, brokers and advisers with which the District will do business.

2078Concentration of Credit Risk. The District will diversify its investments2079according to type and maturity. The District portfolio, to the greatest extent2080feasible, will contain a mixture of short-term (shorter than one year) and2081long-term (more than one year) investments. The District will attempt to2082match its investments with anticipated cash-flow requirements. Extended

2083 maturities may be utilized to take advantage of higher yields.

Interest Rate Risk. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. The District will minimize interest rate risk by structuring its investment portfolio to ensure that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.

Custodial Risk. The District will minimize deposit custodial risk, which is the risk of loss due to failure of the depository bank (or credit union), by obtaining collateral for all uninsured amounts on deposit, and by obtaining necessary documentation to show compliance. (See section III.)

2097 B. LIQUIDITY

The investment portfolio shall remain sufficiently liquid to meet projected disbursement requirements. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Generally, investments will have short terms and/or "laddered" maturities so that funds become available on a regular schedule. Liquid funds will allow the District to meet possible cash emergencies without being significantly penalized on investments.

2107 C. RETURN ON INVESTMENT

The investment portfolio shall be designed to manage the funds to maximize returns consistent with items A and B above and within the requirements set forth in this policy. Subject to the requirements of the investment objectives herein, it is the policy of the District to offer financial institutions and companies within the District the opportunity to bid on investments; the District will seek the best investment yields.

7. PRUDENCE

The "prudent person" standard shall be applied in managing District investments. All investment transactions shall be made in good faith with the degree of judgment and care, under the circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of their own affairs, in accordance with this policy.

2124 8. ELIGIBLE INVESTMENTS

All investments shall be in accordance with Minnesota Statutes section 118A.04.

9. INVESTMENT RESTRICTIONS

In addition to statutory prohibitions, no investment of District funds shall be made in derivative products, structured notes, inverse index bonds, repurchase agreements or other exotic products or investments not authorized by statute.

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2135 **10. SAFEKEEPING**

District investments, contracts, and agreements will be held in safekeeping in 2137 compliance with Minnesota Statutes Section 118A.06. In addition, before 2138 accepting any investment of District funds and annually thereafter, the supervising 2139 officer of the financial institution serving as a broker for the District shall submit a 2140 certification substantially in the form attached hereto as Exhibit Y stating that the 2141 officer has reviewed the District Investment and Depository Policy and 2142 incorporated statement of investment restrictions, as well as applicable state law, 2143 agrees to act in a manner consistent with the policy and law, that the supervising 2144 officer will promptly disclose any potential conflicts of interest or risk to public 2145 funds that might arise out of business transactions between the firm and the District, 2146 and that the financial institution will undertake reasonable efforts to preclude 2147 imprudent transactions involving the District funds. The District will annually 2148 provide the policy as it may be amended to each such supervising officer. 2149

2151 **11. CONFLICT OF INTEREST**

Any District manager or staff member involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair his/her ability to make impartial investment decisions.

2158 12. INTERNAL CONTROLS AND REPORTING

Internal controls are designed to prevent loss of public funds due to fraud, error, 2160 misrepresentation, unanticipated market changes, or imprudent actions. Before the 2161 District invests any surplus funds, competitive quotations shall be obtained, or the 2162 Board of Managers may select in the alternative to invest surplus funds through the 2163 Minnesota Municipal Money Market (4M) Fund established by the League of 2164 Minnesota Cities. If a specific maturity date is required, either for cash flow 2165 purposes or for conformance to maturity guidelines, quotations will be requested 2166 for instruments which meet the maturity requirement. The District will accept the 2167 quotation which provides the highest rate of return within the maturity required and 2168 within the limits of this policy. 2169

The District funds shall not be invested for a term exceeding three years unless so authorized by the Board of Managers.

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2174	Monthly, the District administrator shall provide an investments report to the Board
2175	of Managers, including but not limited to the amount invested, the maturity date(s),
2176	the institution with which invested or the investment type, and the interest rate.
2177	Investments shall be audited and reported with financial statement annually. It shall
2178	be the practice of the District Board to review and amend the investment policy
2179	from time to time as needed, but not less than once every two years.

		Riley-Purgatory-Bluff Creek Watershed District
2180		Policy on Permit Fee Reimbursement
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2182	1.	Permit fee deposits will held in escrow and applied to reimburse the District for
2183		permit inspection-related costs incurred at the rates stated in a permit fee deposit
2184		and rate schedule established by the Board of Managers and described in Rule L.
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2186	2.	When a permit application is approved, the deposit will be replenished to the
2187		applicable deposit amount by the applicant before the permit will be issued to cover
2188		actual costs incurred to review for and monitor compliance with permit conditions
2189		and the District Rules including administration of the permit.
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2191	3.	No permit will be modified, renewed, or extended if the applicable permit fee
2192		deposit balance is negative.
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2194	4.	The administrator will return any unused portion of an applicant's permit fee
2195		deposit to the permittee within 45 days of written notice from the permittee that the
2196		permitted work has been completed, unless the District determines that the work
2197		has not been completed in accordance with the applicable permit.
2198	-	
2199	5.	All permit applicants and permittees shall replenish the permit fee deposit to the
2200		original amount or such lesser amount as the District administrator deems sufficient
2201		within 30 days of receiving notice that such deposit is due, and directing the
2202 2203		administrator to close out the relevant application or permit and revoke prior approvals, if any, if the permit-fee deposit is not timely replenished;
2203 2204		approvais, if any, if the permit-ree deposit is not unlery repletitshed,
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2205	6.	No interest will be paid on permit fees or deposits held by the District.

Appendix A

Riley-Purgatory-Bluff Creek Watershed District Inventory of Not-Public Data on Individuals January 2015

This document describes private or confidential data on individuals maintained by the Riley-Purgatory-Bluff Creek Watershed District (*see* Minn. Stat. 13.05 and Minn. Rules 1205.1200).

This document is also part of the District's procedures for ensuring that not-public data are only accessible to individuals whose work assignment reasonably requires access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, the District managers and District legal counsel also will have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the District Data Practices Compliance Official:

Terry Jeffery <u>tjeffery@rpbcwd.org</u> 952-607-6512

Riley-Purgatory-Bluff Creek Watershed District Not-Public Data Inventory January 2015

Name of Record, File, Process, Form or Data Type	-	Data Classification	Citation for Classification	Employee/Manager Access
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public Private	MS 13.03, subd. 4	Administrator.
Applicant records	Completed assessments and results, related documentation, and application forms.	Public Private	MS 13.43	Administrator.
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	MS 13.393	Staff on as needed basis as part of specific work assignments.
	Data pertaining to advisory council applicants and appointees.	Public Private Confidential	MS 13.601	Administrator; other staff as needed.
Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.39	Administrator; other staff as needed.

Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd. 17	Administrator.
Employee expense reports	Expense reimbursement requests	Public Private	MS 13.43	Administrator.
Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background- check results.	Public Private	MS 13.43	Administrator.
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles.	Private	MS 168.346	Administrator.
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by the District for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.	Private	MS 13.356	Administrator; consultants as needed for specific projects and programs.

Personnel data	Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program as provided in chapter labor relations information	Public/Private/ Confidential	MS 13.43 179A.03, subd. 4	Administrator.
Response to data requests	Data collected by the District Data Practices Compliance Official in responding to requests for data maintained by the District.	Public Private	Various	Administrator; staff as necessary.
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	MS 13.37	Administrator.
Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Administrator.
Unemployment compensation billings	Records of billings for employee unemployment compensation	Private	MS 13.43	Administrator.

Riley-Purgatory-Bluff Creek Watershed District Not-Public Data Inventory January 2015

1	Records of billings for employees who receive workers compensation benefits	Private	MS 13.43	Administrator.

Riley-Purgatory-Bluff Creek Watershed District Not-Public Data Inventory January 2015