

Lak mgr report

Tuesday, August 29, 2023 9:05 AM

1. PRAP
 - a. Requested in May - Status? [Mgr report May](#)
 - b. Requested in May consultant to assist with managers interaction [Mgr report May](#)
2. Open Meeting Law
 - a. Repeated violation of law for failing to have a copy available to the public during
3. Failure to give the 8 day notice by mail as required by 103D.315 subd. 10.
4. IT
 - a. AI policy -
 - i. Must indicate if AI used to prepare any document or presentation
 - ii. Motion - legal counsel to prepare a draft policy for our consideration
 - iii. I have no idea of the District's IT systems or protocols.
 - b. Document management
 - i. No reported developments on the preparation of a document management system.
 - 1) Do you keep a to do list? Provide me with a copy?
 - ii. In my view, the district needs a proper document management system. I have provided information regarding various vendors. This matter was something that Mr. Jeffrey said that he would be looking into last year. I have not received any update regarding the creation of a system.
 - 1) Not to discount the persons capabilities engaging a library and is not necessarily the best person to engage to come up with a nomenclature for documents.
 - 2) Most vendors of document management systems have samples that can be used; I am sure that Barr engineering and Smith partners likely have a document n
 - c. Only limited recordings available on website?
 - i. Don't know why not done?
 - d. We have not received a briefing on the District IT security review, which I understand is required under state.
 - e. The manager should receive all information regarding the district's IT system and security.
 - i. I understand that the managers may going to close session to have the security briefing.
 - ii. Need a briefing
 - f. It does not appear that any manager or staff has the requisite experience or training regarding IT
 - i. Absent the requisite experience and training by staff or managers, the district needs to engage a consultant to assess the District's IT systems and security, and report to the managers
 - ii. Need to evaluate our system; security; vulnerabilities
 - g. I have provided IT referrals to administrator Jeffrey but have not been advised as to whether or not any such offenders or other vendors have been contacted or engaged to provide the requisite evaluation of the districts systems and security
 - h. In my view, terminating these services without engaging a qualified consultant to advise the district as to its IT systems and security is malfeasance
 - i. The District should be issuing and Rfp
 - j. Given the apparent lack of experience and training of staff and managers cannot , the district should form an IT committee to oversee the IT systems and security
 - k. Not provided with any security protocol or any processes or procedures to follow in the event of a hack of the District's IT systems
 - i. The district should engage in IT expert to assist in preparing procedures and protocols duly implemented in the event of a hack
 - ii. In my view, failure to have protocols in place to deal with a hack is malfeasance . Unless an

IT consultant advises us that such protocols are unnecessary.

- iii. He goes without saying, that if we do not even have IT protocols in the event of a hack, we have not completed what are referred to as Table-top exercise
 - 1) nomenclature that we could consider or adapt to the district's needs.

5. Website

- a. Subp 3 Water shed management organization websites.

An organization shall have a website that, at a minimum, contains the location, time, agenda, and minutes for organization meetings and hearings; contact information for the organization including a person capable of answering questions about the organization; the current watershed management plan; annual activity reports and audits for the past three years; rules and regulatory program, if any; a list of the organization's board members including identification of designated officers and the governmental organization that each board member represents for joint powers organizations and the county that each board member is appointed by for watershed districts; and a list of employees including postal and electronic mailing addresses and telephone numbers. The website shall be kept current on a monthly basis or more frequently.

- b. Failure to respond to my questions and suggestions
- c. Its seems to me that I can only conclude that staff doesn't care that the website is less than optimal as I have received no other explanation
- d. Need a web designer/consultant to review the website - someone who didn't help create it to avoid confirmation bias.

6. HR

- a. Need an advisor
- b. Need review of policies and procedures, recommendations in light of recent legislation and court rulings
- c. Committee: Lack of current knowledge and recent experience of personnel committee and DA
- d. Wages
 - a. Federal and state minimum wage
 - b. Wage theft law - require pay every 30 days
 - i. No exceptions for gov workers
 - c. Previously provided IRS guidance to the effect that payments to government employees are wages for purposes of employment taxes and withholding and social security benefits

7. MDPA

- a. TJ multiple failures to respond to requests
 - a. Where is the response to my data requests?
 - b. Originals and a follow up?
 - c. Again you have referenced some artificial limit of 15 minutes etc.
 - i. Is there a time or other limit under the MDPA? Citation?
 - d. 103D.315 provides for review
- b. Anyone else make requests?
 - i. Were responses provided?
- c. If too busy then say so
- d. It's the law like every other law - fail to follow at your peril

8. Bd packet

- a. We should receive a copy of all correspondence in the mtg packet or otherwise

9. Open Mtg Law

- a. Governance Committee has repeatedly failed to make the documents being considered at a meeting available at the meeting for people to review.
 - i. Staff has likewise violated the OML by failing to have document to be discussed available to the public.

of the public body are kept.

13D.01 Subd. 6. Public copy of members' materials. (a) In any meeting which under subdivisions 1, 2, 4, and 5, and section 13D.02 must be open to the public, 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:
(1) distributed at the meeting to all members of the governing body;
(2) distributed before the meeting to all members; or
(3) available in the meeting room to all members;

Official Publication of the State of Minnesota Revisor of Statutes

10. Audit

- a. In 2023 No auditor present to ask questions of; what about 2024?
- b. No policies and procedures

11. Budget

- a. No authorization to publish notice
- b. Seems to do things with impunity - not authorized by the board;
 - i. Poor matter management
 - ii. What do we have lawyers for?

12. 103B - Levy

- a. Failing to hold monies levied under 103B.241 " in a separate fund and expended only for the purposes authorized by this section. If not using 103B then doesn't 103D limitations apply?

13. Rules district does not have rules as required by 103D.341

14. 10 year plan

- a. Have not seen a comprehensive review despite spending \$100K? Where did we spend the money?
 - i. This would be beneficial for all managers, particularly recently appointed managers
 - ii. Not in the annual report
- b. 103B appears to require review every 2 years. Has the district conducted review every two years?