

ROSEAU RIVER WATERSHED DISTRICT POLICIES

5-8-2014 VERSION

The Roseau River Watershed District Board of Managers developed these policies to give more specific parameters to the operations of the organization and the roles and responsibilities of the Board and Administrator.

At all times, the District's bylaws and relevant statutes will supersede these policies.

ADOPTED BY THE BOARD OF MANAGERS
JUNE 25, 2014

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POLICY STATEMENT

General Policy

The managers of the Roseau River Watershed District accept the responsibilities with which they are charged as a governing body by Minnesota Statutes. Said board of managers, in the conduct of the duties and responsibilities conferred upon them, do not intend to usurp the authority or responsibilities of other agencies or governing bodies, however, said board of managers will not avoid their responsibilities and obligations.

It is the stated intent of the managers herein that no person shall be deprived or divested of any previously established beneficial use or right, by any rules of the district, without due process of law. All rules of this district shall be construed according to this intention.

Further, it is the intention of the managers to promote the use of the waters and related resources within the Watershed District in a reasonable and orderly manner so as to improve the general welfare and public health for the benefit of the residents of the Watershed District.

FISCAL MANAGEMENT

ARTICLE I. BUDGETING

Managers must adopt a budget on or before September 15 of each year and decide on the total amount necessary to be raised from ad valorem tax levies to meet the Watershed District's budget.

The budget is a reflection of where the District's priorities have been, are today, and will be in the future. Once adopted, the budget is the legal guideline for the District's spending.

It is the board members' responsibility to adopt budgets that allocate resources in response to the District's goals. To do that, managers need to understand the budget and how it relates to the District's goals, review the draft budget, raise questions and make necessary changes.

Section 1. Drafting a Budget

With respect to financial planning (budgeting for all or any remaining part of a fiscal period), the District Administrator may not jeopardize RRWD's overall goals or fiscal integrity.

Accordingly, s/he will endeavor to draft a budget which:

- A. Is detailed enough to provide:
 - a. Projections of revenues and expenses,
 - b. Separation of capital and long-term planning projects, district programs and operational items, and
 - c. Cash flow statements and projections.
 - d. Does not expend more funds than provided for by ad valorem tax levies.
 - e. Adheres to board-stated priorities (see *Strategic Plan and annual goals*).

When reviewing the draft budget, the board should consider whether it addresses the goals identified by the board.

Section 2. Adopting the Budget

M.S. Chapter 103D.911 requires that managers hold a public hearing before adopting a budget. Managers must publish a notice of a public hearing for two successive weeks before the hearing. The budget and levy certification and certification by the county must be adopted on or before September 15th of each year. After the public hearing, the board shall pass resolutions adopting the appropriate budget and levies.

Section 3. Administrator's responsibilities

With respect to the actual, ongoing condition of RRWD's financial health, the District Administrator may not expend funds outside of Board approved budgets or otherwise jeopardize RRWD's fiscal integrity.

Responsibility for the following items shall fall to the Administrator:

- A. Receive all invoices to the District.
- B. Create monthly payable list for the Board which includes name of vendor, invoice description, invoice amounts and project / fund information
- C. Receive all deposits for the District – incoming checks shall immediately upon receipt be stamped for "deposit only" and coded to the proper project/fund.
- D. Create monthly receivable list for the Board which includes name of vendor, amount of deposit and proper project / fund allocation.
- E. Maintain appropriate bookkeeping and filing systems.
- F. Prepare documents for annual audit.
- G. Prepare a draft budget as detailed in section 1.2 of these policies.

Accordingly, s/he may not:

- A. Indebt RRWD for more than board approved credit limits, which will be repaid within 45 days.
- B. Allow cash and liquid assets to drop below the amount needed to settle payroll and debts.
- C. Allow reserve fund level to fall below six (6) months operating expenses.
- D. Release any checks without board resolution.
- E. Allow actual expenditures to deviate materially from board approved annual budget without prior Board authorization.

Section 4. Board Responsibilities

With respect to proper stewardship of RRWD's assets, the District Board may not risk losses beyond those necessary in the normal course of business.

Accordingly, they may not:

- A. Fail to provide insurance for the District as follows:
 - i) Commercial General Liability – protects the District in the event of claims for bodily injury or property damage.
 - ii) Public Officials Errors and Omissions – protects the District for damages that can occur as the result of errors and/or omissions made by staff or the board.
 - iii) Public Officials Bond – M.S. 103D.315 establishes a bond requirement for public officials
 - iv) Directors and Officers – liability coverage protects board members personal assets for actions or decisions made on behalf of the Watershed District.
 - v) Workers Compensation – state law requires the District to carry workers compensation coverage.
 - vi) Automobile – Minnesota state law requires that automobile liability coverage be in place for any vehicle owned by the District.
- B. Fail to maintain a current written inventory of assets, at least quarterly, verified by an annual physical inventory.
- C. Subject property and equipment to improper wear and tear or insufficient maintenance.
- D. Liquidate physical assets without public notice and authorization of the full Board.
- E. Fail to properly protect valuable data in accordance with board-approved plan.
- F. Unnecessarily expose RRWD, its board or staff to claims of liability.
- G. Make any purchase over \$25,000 without obtaining written quotes or competitive bids.
- H. Fail to establish and maintain controls that meet the board-appointed auditor's standards for receiving, processing or disbursing funds.
- I. Fail to invest operating capital in compliance with applicable state law.
- J. Award purchases or other contracts to family members or significant others, business associates, or board members (or organizations associated with family members or significant others, business associates, or board members), without notice and prior approval of the RRWD board.

Article II. Cost Share Programs

The following items are local cost share program policies, either on a project-by-project or annual basis.

- A. Identify or describe available staff skills, training, credentials, or other means the District will use to insure projects are installed and maintained according to standards and specifications.
- B. Set District cost share rates that correlate to rates set by the State, BWSR or other funding sources.
- C. Identify practice standards to be used for design, construction, operation, and maintenance.
- D. Establish a process and local policy for addressing cost-share contract noncompliance.
- E. The board should assign an authorized representative with the authority to sign contracts and supporting program documents.

GOVERNANCE PROCESS

Article III. Governing Style

The RRWD board will approach its task with a style which emphasizes strategic leadership more than administrative detail, clear distinction of board and staff roles, future rather than past or present perspective, and proactivity rather than reactivity.

In this spirit, the board will:

- A. Focus chiefly on RRWD's intended long term impacts (*Overall Plan and annual goals*), not on the administrative activities (management of staff, volunteers, consultants, money, facilities and equipment of RRWD) or the implementation of programs/projects.
- B. Enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to attendance, only speaking when recognized at non-RRWD board meetings or workshops, policymaking principles, respect of clarified roles, speaking with one voice and self-policing of any tendency to stray from governance adopted in board policies.
- C. Be accountable to the Watershed District's residents, communities and taxpayers for competent, conscientious and effective accomplishment of the mission. It will allow no officer, individual or committee of the board to usurp this role or hinder this discipline.
- D. Monitor and regularly discuss the board's own process and performance. In order to accomplish this, maintain necessary plans, policies, and monitoring records.
- E. Board actions will only be taken at board meetings where adequate public notice has been provided.
- F. Be an initiator of policy, not merely a reactor to staff initiatives. The RRWD board, not the staff, will be responsible for board performance.
- G. Endeavor to come prepared to Board meetings. If a Board member would like clarification on an item on the Agenda, that Board member will contact staff prior to the Board meeting to have his/her question(s) answered.

Article IV. Chairman/Acting Chair's Role

The job of the Chairman/Acting Chair is to insure the integrity of the RRWD board's process. The Chairman (and not the Acting Chair) is the only person authorized to speak for RRWD except for the District Administrator, other than in rare and specifically authorized instances.

- A. The job of the Chairman/Acting Chair is to insure that the board behaves consistent with its own rules and those legitimately imposed upon it from outside the RRWD.
 - i) Meeting discussion content will only be those issues that, according to board policy, clearly belong to the board to decide, not the District Administrator.
 - ii) Deliberation will be timely, fair, orderly and thorough, but also efficient, limited in time and kept to the point.
 - iii) Assure compliance with all applicable statutes and rules requiring Board of Managers action.
- B. The Chairman has the authority to make any decision on behalf of the board, which falls within or is consistent with board policies on *Governance Process* and *The Districts Overall Plan*.
 - i) The Chairman is empowered to chair board meetings with all the commonly accepted power of that position, e.g., setting agenda, ruling, recognizing.
 - ii) The Chairman will ensure board representation at District sponsored events and other events requiring a manager to be present.
 - iii) The Chairman has the power to nominate managers as delegates to task forces and as committee members, subject to approval of the board.
 - iv) The Chairman is empowered to represent the board to the legislature and media.
 - v) Chair authority does not extend to making decisions regarding policy areas which are within the purview of the District Administrator.
 - vi) Chair authority does not extend to supervising or otherwise directing the District Administrator. Only the full board can interpret the meaning of its policies.

Article V. Board Members' Code Of Conduct

The RRWD board expects of itself and its members ethical and businesslike conduct. This commitment includes proper use of authority and appropriate decorum when acting as board members.

A. Board members must be loyal to the interests of the District's constituents. This accountability supersedes:

- i) Any conflicting loyalty such as that to advocacy or interest groups and membership on other boards or staffs
- ii) The personal interest of any Manager

B. Board members must avoid any conflict of interest with respect to their fiduciary responsibility.

- i) There must be no self-dealing regarding District actions.
- ii) Any conduct of private business between any Manager and RRWD requires proper disclosure and approval by the board.
- iii) Board members must not use their positions to obtain for themselves, family members, significant others, business associates, or other board members employment within RRWD (including but no limited to contractors and/or subcontractors).
- iv) Prior to board action, Managers must disclose any fiduciary interests in that action.
- v) Should a Manager be considered for employment by RRWD, s/he must first resign from the board.

C. Board members may not exercise individual authority over RRWD except as explicitly set forth in board policies.

- i) Board members' interaction with the District Administrator or with staff must recognize that only the board acting as a whole can govern and give direction to the District Administrator.
- ii) Board members' interaction with the public, press or other entities must recognize the role of the board-designated spokesperson.
- iii) Board members will monitor and evaluate the District Administrator or staff performance consistent with explicit board policies.

D. Board members may not exceed state-designated limits for per diems and other expenses.

- i) Mileage will be reimbursed at the standard IRS rate.
- ii) Refer to District By-Laws Article IV, Sections 6 and 7.

PUBLIC DATA REQUEST

Article VI. Policies and Procedures for Public Access to Documents

Public access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes, Chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically exempted under the law in case where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Roseau River Watershed District (RRWD) recognizes the public interest in open access to its data as well as the public interest that requires that certain types of data not be publicly available. It is the intent of the RRWD to comply fully with the DPA and where the DPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law. This policy is adopted pursuant to Section 13.03, subdivision 2 of the DPA, which states that every public body shall establish procedures to implement the DPA.

Article VII. Procedure for Review of RRWD Documents

All requests related to inspecting or receiving copies of RRWD data, and all other inquiries regarding the DPA, must be in writing and sent by U.S. Mail, addressed to the "Data Practices Compliance Official," at the following address:

Roseau River Watershed District
108 3rd Ave SW
Roseau, MN 56751

The RRWD Administrator is designated as the Data Practices Compliance Official.

Requests to inspect or obtain copies of the RRWD data are to be in writing to ensure that the RRWD's response is timely and complete. In the case of an individual who wishes to inspect RRWD data, the Data Practices Compliance Official will help to ensure that documents of interest have been gathered, that documents to be withheld from inspection pursuant to the DPA have been segregated, and that someone is available to assist the requesting individual. The RRWD will provide requested data for inspection at the RRWD office. The RRWD files may not be removed.

The DPA requires that individuals be permitted to inspect or copy data within a reasonable time of a request. The RRWD will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request and the other matters requiring the attention of staff at the particular time.

The RRWD determines that certain data cannot be made available for inspection or copying, it will inform the individual of the classification of the data in question under the DPA and of the legal basis of denial of access. On the request of the individual,

the RRWD will certify in writing that the request has been denied and state the specific legal basis for denial.

The RRWD may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, the availability of copying equipment, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data).

Article VIII. Costs

There is no cost to inspect documents as provided above. If document copies of 100 or fewer pages of black and white, letter or legal size paper copies are requested, the requesting individual will be charged 25 cents per page plus postage. If a person requests copies of more than 100 pages of black and white, letter or legal size paper, or electronic transmittal of the data, the requesting person will be responsible to pay the actual costs of searching for and retrieving government data, including the cost of postage, employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data, but the RRWD will not charge for separating public from non-public data. Staff costs will be assessed based upon established hourly rates.

With respect to oversized copies (11X17 or larger), tapes, electronic data, photographs, slides and other unusual formats, the requesting individual will be responsible for the actual costs incurred by the RRWD to make the copy itself or to use a vendor.

If an individual requests, before copies are made the RRWD will advise of the approximate number of pages of documents responsive to a request or the estimated costs of responding to a request. The Data Practices Compliance Official may base such an estimate on the number of copies (plus administrative time, as applicable) found in a random sample of the items within the request, and applied as an average across the entire request.

The RRWD may require payment in advance. Payment may be made by cash, money order or check. If payment is made by check, the RRWD may withhold the response until the check clears the bank. If payments remitted exceed the estimated costs, any remaining balance will be refunded, without interest, by check issued to the person requesting the data.

When an individual asks for a copy of the data having commercial value or developed with a significant expenditure of public funds by the RRWD, the RRWD may charge a reasonable fee that relates to the actual cost of developing the data. As a condition of making certain commercially valuable data available, the RRWD may require execution of a license agreement limiting use or further distribution.

PUBLIC COMMENTS

Article IX. Rules and Procedures for the Public Comment Session of Regular Board meetings

A Public comment session shall be held at every regular RRWD Board meeting. The Public Comment session shall be noticed on every regular RRWD Board meeting agenda and adhere to the following outline.

- A. The Public Comment session shall be limited in time to no more than 15 minutes. Each speaker during the Public Comment session shall be limited to 5 minutes.
- B. Speaker handouts are public information. The District may make copies of such handouts for the public if needed.
- C. Each speaker shall only speak once during the Public Comment session.
- D. Each speaker must be recognized by the Chair before speaking.
- E. Public comment during the Public Comment session shall be comment only. The public and Board Managers cannot engage in a debate. Questions from Managers shall be limited to points of clarification.
- F. The Board Chair may limit the discussion if necessary to maintain order and adherence to these rules.
- G. The Board Chair reserves the right to limit an individual's presentation if redundant, repetitive, overly argumentative, or not relevant to an issue that is part of the RRWD's responsibilities.
- H. Personal attacks, threats of violence, or use of the Board meeting as a forum for politics or campaign-type presentations shall not be allowed. Sufficient warnings may be given by the Chair at any time during the remarks and in the event that any individual shall violate the rules of decorum set forth, the Chair may then cut off comment. Any person who violates the rules of decorum may be removed from the meeting at the direction of the Chair.
- I. A personnel complaint against an individual District employee may not be heard initially at a Board meeting.

A copy of these Public Comment session Rules and Procedures shall be available at every meeting and by public request.

DISTRICT COMMUNICATIONS

Article X. Email for Public Officials (appointed and elected)

It is the policy of the RRWD that District provided email accounts are used when District business is conducted with email by Public Officials. This policy will help assure retention of public records and compliance with state laws.

- A. The District will provide an email account to each manager to use for official district business.
- B. The manager should be aware that a copy is maintained of each message that is sent or received. Email records are kept for not less than the retention period identified on either the state's general records retention schedule or the District's retention schedule.
- C. Managers should be aware that all pertinent documents are subject to disclosure under the Data Practices Policy.
- D. Email users can access their RRWD email account from a remote location or from a non-RRWD computer that has internet access.
- E. Email users are responsible for the security of their email account, including their account password. Users can change their email password at any time.
- F. The use of personal, private, or other non-RRWD email accounts for RRWD business is prohibited. Users of non-RRWD email addresses acknowledge that non-RRWD email addresses may be disclosed in the course of responding to public records requests or discovery requests in legal proceedings.
- G. Email exchanges amongst public officials can create an unintended quorum by "serial communication" and violate the Open Meeting Law. Managers should avoid email exchanges that ultimately involve or create a quorum. To avoid creating a quorum reply only to sender or appropriate staff. If Managers wish to send an informational email to a majority of the respective board, make it clear in the email that the email is for information only and no response is desired.
- H. All administrative inquires and risk management inquires should be directed to the appropriate staff. Managers should respond to such inquires by letting the sender know there is staff available to respond to such requests. This will avoid inconsistent responses between managers. This should not limit communications between citizens and managers.
- I. At the conclusion of the public service, email account contents will be archived as public record and the account will be deactivated.

Article XI. Public Education and Outreach

The RRWD recognizes public education and outreach as a key element to the success of Watershed District projects. Ongoing efforts will help build District recognition and trust. An education and outreach program could include items such as:

- Implementing a media plan to widely distribute news releases and project reports;
- Developing local school programs (e.g., River Watch)
- Developing fact sheets and newsletters and making this information readily available to the public.
- Creating workshops and developing information for local businesses and establishing a stewardship program to fund local initiatives.
- Holding open house gatherings to display information
- Utilize RRWMB media consultant whenever appropriate.
- Utilize social media to help inform the public.

POLICY	METHOD	FREQUENCY	WHO
All Governance Policies	Manager(s) Inspection	Annually	Full board (led by Chairman)
Staff Treatment (Executive Limitations Policy #2)	Manager(s) Inspection	Annually	Personnel Committee
Compensation & Benefits (Executive Limitations Policy #3)	External Audit/Report Manager(s) Inspection	Biannually Annually	Personnel Consultant Personnel Committee
Financial Planning – Budget (Executive Limitations Policy #4)	Manager(s) Inspection	Annually	Finance/Audit Committee
Financial Condition (Executive Limitations Policy #5)	Manager(s) Inspection External Audit	Monthly Quarterly	Treasurer or Treasurer-design Manager Finance & Audit Committee
Asset Protection (Executive Limitations Policy #6)	External Audit Manager(s) Inspection	Annually Annually	Auditor, Counsel and Risk Manager Finance & Audit Committee
Communication & Advice (Executive Limitations Policy #7)	Manager(s) Inspection	Quarterly	Chairman
Program Outcomes – Goals <i>Overall Plan</i> <i>Implementation Calendar</i>	Manager(s) Inspection Manager(s) Inspection	10 years Quarterly	Vice Chairman Vice Chairman

Any other policy shall be monitored by internal report each calendar quarter.